

## **3.0 Goals, Objectives and Policies**

### **3.1 Future Land Use**

#### **GOAL 101**

Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources. [9J-5.006(3)a]

#### **Objective 101.1**

Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development. [9J-5.006(3)(b)1]

#### **Policy 101.1.1**

Monroe County shall adopt level of service (LOS) standards for the following public facility types required by Chapter 9J-5, F.A.C: roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and paratransit. The LOS standards are established in the following sections of the Comprehensive Plan:

1. The LOS for roads is established in Traffic and Circulation Policy 301.1.1;
2. The LOS for potable water is established in Potable Water Policy 701.1.1;
3. The LOS for solid waste is established in Solid Waste Policy 801.1.1;
4. The LOS for sanitary sewer is established in Sanitary Sewer Policy 901.1.1;
5. The LOS for drainage is established in Drainage Policy 1001.1.1; and
6. The LOS for parks and recreation is established in Recreation and Open Space Policy 1201.1.1. [5.006(3)(c)3]

#### **Policy 101.1.2**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which provide a Concurrency Management System (See Capital Improvements Policy 1401.4.5). The Concurrency Management System shall ensure that no permits will be issued for new development unless adequate public facilities needed to support the development at the adopted LOS standards are available concurrent with the impacts of development. [9J-5.006(3)(c)3]

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**Objective 101.2**

Monroe County shall reduce hurricane evacuation clearance times to 24 hours by the year 2010.

**Policy 101.2.1**

Monroe County shall establish a Permit Allocation System for new residential development. The Permit Allocation System shall limit the number of permits issued for new residential development. THIS POLICY IS SUPERSEDED BY POLICY 101.2.13 FOR AN INTERIM PERIOD OF TIME.

**Policy 101.2.2**

Applicants shall be required to obtain letters of coordination confirming the availability of potable water and electricity, and applicable permits from HRS prior to submitting a building permit application for new residential development to the Monroe County Growth Management Division through the Permit Allocation System. Applicants shall be required to obtain all other applicable agency permits prior to the issuance of a County permit.

**Policy 101.2.3**

The Permit Allocation System for new residential (ROGO) development shall specify procedures for:

1. annual adjustment of the number of permits for new residential units to be issued during the next year based upon, but not limited to the following:
  - a. expired allocations and building permits in previous year;
  - b. allocations available, but not allocated in previous year;
  - c. number of allocations borrowed from future quarters;
  - d. vested allocations;
  - e. modifications required or provided by this plan or agreement pursuant to Chapter 380, Florida Statutes; and
  - f. receipt or transfer of affordable housing allocations by intergovernmental agreement.
2. allocation of affordable and market rate housing units in accordance with Policy 101.2.4; and
3. timing of the acceptance of applications, evaluation of applications, and issuance of permits for new residential development during the calendar year.

**Policy 101.2.4**

Monroe County shall allocate at least 20 percent of residential (non-transient) growth to affordable housing units as part of the Permit Allocation System. Any portion of the 20 percent allocation not used for affordable housing shall be retained and be made available for affordable housing from ROGO year to ROGO year. Affordable housing eligible for this separate allocation shall meet the criteria specified in Policy 601.1.7, but shall not be subject to the competitive Residential Permit Allocation and Point System in Policy 101.5.4. The parcel proposed for affordable housing shall not be located within an area designated as Tier I as set forth under Goal 105 or within a Tier III Special Protection Area as set forth in Policy 205.1.1.

**Policy 101.2.5**

Monroe County recognizes the discrepancy of units between the County's proposed allocation to the Cities and the Cities' vested development assumptions. By January 4, 1997, the County shall initiate an interlocal agreement with the Cities to resolve the discrepancy within three (3) years.

**Policy 101.2.6**

By January 4, 1996, Monroe County shall adopt Land Development Regulations which prohibit new transient residential units including hotel or motel rooms, campground spaces, or spaces for parking a recreational vehicle or travel trailer until December 31, 2001, Monroe County shall either extend this prohibition until December 2006 or revise the Permit Allocation System to allocate a percentage of residential growth to transient units.

**Policy 101.2.7**

Monroe County shall have coordinated with the Florida Department of Transportation (FDOT) to ensure that improvements needed to expand the 18-mile stretch of US 1 are placed in FDOT's adopted five-year work program by 1998.

**Policy 101.2.8**

By January 4, 2000, Monroe County shall have coordinated with FDOT to identify funding and include the improvements needed to expand the segment of US 1 between mile markers 80 and 90 in the FDOT adopted five-year work program to have construction completed by 2010.

**Policy 101.2.9**

Monroe County will coordinate with the Florida Department of Community Affairs' Division of Emergency Management and the County's Director of Emergency Management to have Card Sound Road designated as an alternative hurricane evacuation route by the time the improvements to Card Sound Road are completed in 1998. Monroe County shall divert 40% of evacuating traffic to Card Sound road upon completion of planned roadway improvements by 1998.

**Policy 101.2.10**

Monroe County shall initiate a program to limit the number of vehicles on the roads during a hurricane evacuation. This program shall include educating the public regarding the need to use some type of mass transit to reduce the number of vehicles used for hurricane evacuation and the need to severely reduce the number of individual vehicles used for evacuation while emphasizing the need to evacuate when an evacuation order is issued. In addition, the County will study the feasibility of vehicle registration for use in evacuating and any other feasible alternatives.

**Policy 101.2.11**

By July 17, 2001, the County shall prepare an Evaluation and Appraisal Report (EAR) of this plan. As part of the EAR process, in coordination with the South Florida Regional Planning Council, Key West, Layton and Key Colony Beach, the County will evaluate the effectiveness of its programs in ensuring:

1. that residents and visitors will evacuate when an evacuation order is issued;
2. that the number of evacuating vehicles will be lower than currently projected in the Southeast Florida Hurricane Evacuation Study; and

3. the accuracy of the visitor population figures.

The Southeast Florida Hurricane Evacuation Study transportation models will be updated based on these factors and the total growth allocations, including allocations to the sub-areas of the county and to the municipal jurisdictions.

**Policy 101.2.12**

The County will reconsider its capital improvements based upon the need for additional or different capital improvements identified as a result of the new hurricane evacuation transportation model.

**Policy 101.2.13**

Monroe County shall establish an interim Permit Allocation System for new residential development. The interim Permit Allocation System shall supersede Policy 101.2.1 and remain in place until such time as Monroe County determines its future growth capacity based on hurricane evacuation, public safety and environmental needs including water quality and habitat protection, and amends its plan consistent with such determination, based on the results of the work program as set forth below. DEP, HRS, DCA and Monroe County shall develop a coordinated permit review process that will insure that no state agency shall issue a wastewater disposal permit that would allow development in excess of the number of permits that Monroe County may issue under this interim policy. Similarly, Monroe County shall not issue development permits under this interim policy in excess of wastewater disposal permits that DEP or DOH may issue. For years 3 and 4 of the work program the interim Permit Allocation System shall allow a minimum of 88 new residential permits per year which may be used to address the backlog of ROGO allocations.

Additional new residential permits will be allowed but limited to the number of nutrient reduction credits earned within the same unincorporated ROGO area. Nutrient reduction credits shall be earned consistent with Table 1 below. The nutrient reduction credits earned by the construction of Little Venice system shall be earned according to the following schedule:

1. 213 of the total credits estimated to be available from the full operation of the system shall be earned when the wastewater construction permit for the system is issued by DEP, the design/build contract for the system has been fully executed, and construction of the system has commenced. Of these credits, 52 shall be made available to Monroe County for affordable housing, and 67 for proposed affordable housing in the City of Marathon. Any credits not used for affordable housing shall be available for future allocation pursuant to paragraph 2 below. In addition, 52 of these credits shall be made available to the City of Marathon.
2. All remaining available credits shall be earned when the construction of the system is 100 percent complete, the collection system lines have been installed, and when the final total of credits available from operation of the system has been calculated.

Nutrient reduction credits that are earned from the construction of a central sewer system, in which state or federal funds are used, shall be allocated as follows:

1. The local government shall receive a pro rata share of the earned nutrient reduction credits in proportion to the amount of funds it contributed from its jurisdiction to the total construction costs; and

2. The remaining earned nutrient reduction credits shall be allocated between Monroe County, the City of Marathon, and the Islamorada, Village of Islands in proportion to the annual ROGO allocation of each to the total annual ROGO allocation for these local governments.

Nutrient reduction credits earned using funds provided by the State and matched by the County in fiscal years 1997-98 and 1998-99 will be used to offset the nutrient impacts of the 88 new residential permits per year, but may not be used for additional new residential permits until such time as these funds generate more than 88 nutrient reduction credits for Years 3 and 4. For Year 5, the interim Permit Allocation System shall allow a minimum of 77 new residential permits. If fewer than 77 nutrient reduction credits are earned in Year 5, the deficit shall be made up in Year 6 prior to issuance of any new permits. For Year 6 and beyond, the interim permit allocation system shall limit the number of permits issued for new residential development to the number of nutrient reduction credits earned within the same unincorporated ROGO area, except as otherwise authorized herein. For all years the number of permits issued for new residential development under the Rate of Growth Ordinance shall not exceed a total unit cap of 158 new residential units per year.

This allocation represents the total number of new permits for development that may be issued during a ROGO year. No exemptions or increases in the number of new permits, other than that which may be expressly provided for in the comprehensive plan or for which there is an existing agreement for affordable housing between the Department and the local government in the critical areas, may be allowed.

Monroe County shall develop a tracking system for monitoring the nutrient reduction credits earned. The tracking system shall commence upon effective date of this rule and the number nutrient reduction credits earned shall be cumulative and may be applied to future years of the interim Permit Allocation System.

Table 3.1-1  
Nutrient Reduction Credits

Treatment System Upgraded From	Treatment System Upgraded To			
	On-site Treatment	Centralized Systems		
	OWNER or Equivalent On-site Treatment and Disposal System	Secondary Treatment	Best Available Treatment (BAT)	Advanced Wastewater Treatment (AWT)
Cesspit	1 EDU credit	1 EDU credit	1.0 EDU credit	1.5 EDU credit
SubStandard OSTDS	0.5	0.5	1.0	1.5
Approved OSTDS	0.5	0	1	1.5
Secondary Treatment	N/A	N/A	1	1.5

Additionally, the unit cap for new residential development shall be linked to the following work program which identifies actions necessary to correct existing wastewater and stormwater problems, as well as actions necessary to determine appropriate future growth. Beginning September 30, 2003 and each year of the work program thereafter, Monroe County and the Department of Community Affairs shall report to the Administration Commission documenting the degree to which the work program objectives for that year have been achieved. The

Commission shall consider the findings and recommendations provided in those reports and shall determine whether substantial progress has been achieved toward accomplishing the tasks of the work program. If the Commission determines that substantial progress has not been made, the unit cap for new residential development shall be reduced by at least 20 percent for the following year. If the Commission determines that substantial progress has been made, then the Commission shall increase the unit cap for new residential development for the following year up to a maximum of 158 units. Other agencies identified in the work program, or any interested persons may likewise report and make recommendations for consideration by the Commission.

Notwithstanding any other date set forth in this plan, the dates set forth in the work program shall control where conflicts exist. For each task in the work program, the Department of Community Affairs shall request of all relevant and appropriate federal, state, regional, and local agencies that they contribute any relevant data, analysis and recommendations, and that they take an active role in assisting the county in completing the task. Each such agency shall prepare, in coordination with the county, a section to be included in Monroe County's reports which indicates the agency's actions relative to the work plan. The Department of Community Affairs shall specifically request that the Florida Keys National Marine Sanctuary Water Quality Protection Program Steering Committee (Water Quality Steering Committee) take an active role in coordinating with Monroe County, and relevant state and federal agencies, in the implementation of the tasks related to water quality, wastewater and stormwater facilities and in the development and implementation of the carrying capacity study. The Steering Committee will provide technical assistance and substantive comments and recommendations to ensure that the county's wastewater and stormwater master plans and the carrying capacity study are consistent with the objectives of the FKNMS Water Quality Protection Program. The Steering Committee will make recommendations on wastewater systems and Hot Spot priorities prior to implementation by the County. It is the intent of this rule to accelerate the pace, and increase the effectiveness of the current cesspit replacement effort through both a regulatory and an incentive-based program. No later than August, 1999 Monroe County shall engage in a public education program to ensure that the public understands that the County is committed to the swift identification and replacement of cesspits, as a full partner with the Department of Health. The public education program shall explain the role of cesspit removal in the overall context of the Work Plan and Wastewater Master Plan. The County and the state shall request the participation of the Steering Committee in the public education program as well as the Florida Keys Aqueduct Authority.

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## **WORK PROGRAM<sup>1</sup>**

### **YEAR ONE** (ending December 31, 1997)

- A. Complete Phase I (data collection) for the Wastewater and Stormwater Master Plans, and secure funding for plan completion. (Reference County Objective. 901.4)  
Agencies; County, DCA DEP, HRS and SFWMD.
- B. Complete a conceptual plan or scope of work to develop a carrying capacity. The carrying capacity analysis shall be designed to determine the ability of the Florida Keys ecosystem, and the various segments thereof, to withstand all impacts of additional land development activities. The analysis shall be based upon the findings adopted by the Administration Commission on December 12, 1995, or more recent data that may become available in the course of the study, and shall be based upon benchmark of, and all adverse impacts to the Keys land and water natural systems, in addition to the impact of nutrients on marine resources. The carrying capacity analysis shall consider aesthetic , socioeconomic (including sustainable tourism), quality of life and community character issues, including the concentration of population, the amount of open space, diversity of habitats, and species richness. The analysis shall reflect the interconnected nature of the Florida Keys' natural systems, but may consider and analyze the carrying capacity of specific islands or groups of islands and specific ecosystems of habitats, including distinct parts of the Keys' marine system. (Ref. 1991 Stip. Settlement Agreement)  
Agencies: County, DCA, DEP, HRS, DOT, GFC, SFWMD, NMS, SFRPC, EPA, USFW, Army COE, and other interested parties to includes representatives of environmental organizations and development interests.
- C. Complete AWT/OSDS demonstration study and initiate rulemaking for new standards for OSDS. (Reference County Policy 901.4.3).  
Agencies: HRS.
- D. Complete Marathon Facilities Plan and secure funding for the facility site(s). The wastewater facilities plan should implement the most cost effective method of collecting, treating, and disposing of wastewater and shall include an investigation of the feasibility of using alternative nutrient-stripping on-site disposal systems. The development of the facilities plan shall be a component of the wastewater Master Plan as that Plan is developed.  
Agencies: County, DCA, and DEP.
- E. Continue cesspit elimination program with identification of Hot Spots as first priority in accordance with Objective 901.2 and seek funding for cesspit identification. Enter into an interlocal agreement with HRS to specify the responsibilities and procedures for the OSDS inspection/compliance program as required by Policy 901.2.3. Adopt an ordinance which specifies the implementation procedures for the OSDS inspection/compliance program. The ordinance shall include authorization for HRS to inspect wastewater treatment systems on private property as required by Policy 901.2.3. (Reference County Objective 901.2).  
Agencies: County, DCA, and HRS.
- F. Submit status of CARL and ROGO land acquisition to the Administration Commission.  
Agencies: County, Land Authority, and DEP.
- G. Revise the habitat Evaluation Index (HEI) based on peer review.

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<sup>1</sup> On March 9, 1999, the Administrative Commission determined that the substantial progress toward the work program objectives had not been made and authorized rulemaking to amend the work program beginning in Year Three. Work program tasks from years One and Two not completed by the end of Year Two were included as tasks in subsequent years of the work program.

Agencies: County, DCA, DEP, FGFWFC, and Federal agencies.

**YEAR TWO** (ending December 31, 1998)

- A. Complete the wastewater and Stormwater Master Plans and execute interagency agreements to define construction schedule by phases. Document that significant reduction in nutrients will be achieved each year thereafter within each sub-areas. The Master Plans shall include facility plans for all proposed treatment strategies, and determine retrofit and funding requirements for HOT Spots and cesspit identified in D below.  
Agencies: County, DCA, DEP, and HRS.
- B. Secure funding for the carrying capacity study and initiate Phase I (data collection) of the study.  
Agencies: County, DCA, and DEP.
- C. Complete cesspit ID process in Hot Spots, excluding the Marathon area.  
Agencies: County, DCA, and HRS.
- D. Submit status of CARL and ROGO land acquisition to the Administration Commission.  
Agencies County, Land Authority, and DEP.
- E. Document the extent and quality of the fresh groundwater lens system on Big Pine Key; delineate the associated recharge areas; and determine the safe yield of the system. (Reference County Policy 103.1.5).  
Agencies: County, DCA, SFWMD, USFWS

**YEAR THREE** (January 1, 1999 through July 12, 2000)

- A. Complete and begin implementation of Wastewater Master Plan. Utilizing the findings of the Wastewater Master Plan and recommendations of the Water Quality Steering Committee relating to Hot Spots do the following: refine and prioritize areas identified as Hot Spots, determine retrofit and funding requirements for priority Hot Spots and cesspit replacement for areas outside those areas identified for central or cluster wastewater collection systems, and begin developing facility plans for priority Hot Spots. Execute interagency agreements to define facility plan, design and construction schedules for each Hot Spot facility. Establish a water quality monitoring program to document the reduction in nutrients as a result of these facilities. Complete a wastewater treatment finance plan and a service area implementation plan, and continue efforts to secure funding for Wastewater Master Plan implementation, with priority given to Hot Spots. Determine the feasibility and legal ramifications of establishing an escrow account as a means of providing long-term funding for replacing cesspits or substandard onsite sewage systems. Establish a mechanism such as special assessments, impact fees, infrastructure surcharge, or other dedicated revenues, to fund the local share of wastewater improvements in Years Four and Five. Seek to provide comparable subsidies for both wastewater collection systems and individual cesspit replacement.  
Agencies: County, FCAA, DCA, DEP, DOH, SFWMD, EPA and Water Quality Protection Program Steering Committee (WQSC).
- B. Secure funding for Storm Water Master Plan development, contract selected firm for development of Master Plan, and complete Phase I (data collection). Determine the feasibility of providing nutrient reduction credits for stormwater improvements.  
Agencies: County, DCA, DOT, SFWMD, EPA and WQSC.
- C. Conclude acquisition of North Key Largo Hammocks CARL project. Make offers to 33% of remaining private owners with property located in other CARL project boundaries.  
Agencies: County, Land Authority and DEP.



- D. Secure remaining funds for the carrying capacity study, conduct workshops as outlined in the Scope of Work, select prime contractor, and initiate Phase I (data collection) of the study.  
Agencies: County, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.
- E. Continue efforts to secure funding for the Marathon Facility. Complete Little Venice construction design, secure lands needed for Little Venice facility, and begin bid process and selection of construction firm. Design a water quality monitoring program to document Little Venice project impacts.  
Agencies: County, FCAA, DCA, DEP, WQSC, and EPA.
- F. Continue cesspit identification by providing notice to all property owners with unknown systems, outside of Hot Spots. Initiate replacement of cesspits outside of Hot Spots. Award financial assistance grants to qualified applicants using FY 1997-98 state funds to ensure a minimum of 70 cesspit replacements. Develop a low interest loan and grant program to assist all residents in replacing cesspits, with priority of funds going, in order of preference, to very low-, low- and moderate-income households. Investigate the appropriate point at which nutrient reduction credits can be awarded for future committed water quality treatment facilities and the appropriateness of transferring credits among ROGO areas.  
Agencies: County, DCA, FCAA, WQSC and DOH.
- G. Document the extent and quality of the fresh groundwater lens system on Big Pine Key; delineate the associated recharge areas; and determine the safe yield of the system. (Ref. County pol. 103.1.5)  
Agencies: County, FCAA, DEP, DCA, SFWMD, EPA, WQSC and USFWS.
- H. Develop an integrated funding plan for the purchase of land from ROGO applicants who have competed unsuccessfully for four consecutive years and applied for administrative relief.  
Agencies: County.
- I. The County, in conjunction with DCA, shall assess the feasibility of applying the nutrient reduction credit requirement to new commercial development.  
Agencies: County and DCA.

**YEAR FOUR** (July 13, 2000 through July 12, 2001)

- A. Continue implementation of Wastewater Master Plan, execute interagency agreements to define construction schedule by phases, and continue developing facility plans for priority Hot Spots in each ROGO area. Secure funding to implement the Wastewater Master Plan. Document that reduction in nutrients has been achieved within each of the sub-areas.  
Agencies: County, FCAA, DCA, DEP, DOH, EPA and WQSC.
- B. Complete Storm Water Master Plan. Identify priority projects for implementation and seek funding for plan implementation.  
Agencies: County, DCA, DEP, DOT, SFWMD, EPA and WQSC.
- C. Make offers to 50% of remaining private owners with property located in CARL project boundaries.  
Agencies: County, Land Authority and DEP.

- D. Complete Phase II of the carrying capacity study (data analysis) and present initial recommendations to review agencies.  
Agencies: County, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.
- E. Establish baseline water quality for surface and groundwater quality potentially impacted by Little Venice project.  
Agencies: County, DCA, DEP, FCAA, WQSC and EPA.
- F. Complete cesspit identification and continue cesspit replacement outside of Hot Spots, with a priority of funds going, in order of preference, to low- and moderate - income households; ensure that a minimum of 88 cesspits are replaced  
Agencies: County, FCAA, WQSC and DOH.

**YEAR FIVE** (July 13, 2001 through July 12, 2002)

- A. Continue implementation of the Wastewater Master Plan pursuant to executed interagency agreements. Begin construction of wastewater facilities in selected Hot Spots.  
Agencies: County, FCAA, DCA, DOH, DEP, EPA, and WQSC.
- B. Execute interagency agreements to define construction schedule for selected storm water improvement projects. Complete land acquisition and final design for selected treatment strategies for Storm Water Master Plan.  
Agencies: County, DCA, DEP, DOT, WQSC and SFWMD.
- C. Conclude negotiations with all willing owners with property within CARL project boundaries. Acquire a total-to-date of 45% of the Key Deer/Coupon Bight project and 25% of the Florida Keys Ecosystems project from willing sellers.  
Agencies: County, Land Authority, and DEP.
- D. Complete final draft of the carrying capacity study including acceptance by review agencies.  
Agencies: County, FCAA, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.
- E. Continue eliminating cesspits and inoperative septic tanks in areas outside of Hot Spots.  
Agencies: County, DOH, FCAA and WQSC.

**YEAR SIX** (July 13, 2002 through July 12, 2003)

- A. Continue construction of wastewater facilities in Hot Spots begun in previous year. Contract to design and construct additional wastewater treatment facilities in Hot Spots in accordance with the schedule of the Wastewater Master Plan. Continue implementation of Wastewater Master Plan with emphasis on Hot Spots.  
Agencies: County, FCAA, DEP, DOW, DCA, EPA and WQSC.
- B. Initiate construction of selected projects as identified in the Storm Water Master Plan.  
Agencies: County, SFWMD, DEP, DCA, DOT, EPA and WQSC.
- C. Implement the carrying capacity study by, among other things, the adoption of all necessary plan amendments to establish a rate of growth and a set of development

standards that ensure that any and all new development does not exceed the capacity of the county's environment and marine system to accommodate additional impacts. Plan amendments will include a review of the County's Future Land Use Map series and changes to the map series and the "as of right" and "maximum" densities authorized for the plan's future land use categories based upon the natural character of the land and natural resources that would be impacted by the currently authorized land uses, densities and intensities.

Agencies: County, FCAA, FFWCC, DCA, DEP, DOH, DOT, SFWMD, SFRPC, EPA, Army COE, WQSC, and USFWS, and other interested parties to include representatives of environmental organizations and development interests.

D. Complete the elimination of all cesspits in areas outside of Hot Spots. Agencies: County, FCAA, DOH and WQSC.

E. Develop a Keys-wide master land acquisition plan which shall include:

(1) a strategy for the acquisition of those properties which should be preserved due their habitat value as well as those other properties where future development is to be discouraged.

(2) a management plan for implementing the strategy, and

(3) a reasonable, feasible plan for securing funding for said land acquisition.

Agencies: County, Land Authority, DCA, DEP, SFWMD, Army COE, EPA, USFWS, and other interested parties to include representatives of environmental organizations and development interests.

F. Initiate and complete a collaborative process for the adoption of land development regulations, and/or comprehensive plan amendments as needed, that will strengthen the protection of terrestrial habitat through processes such as the Permit Allocation System and permitting processes, and the preservation and maintenance of affordable housing stock.

Agencies: County, DCA, DEP, FFWC, USFWS, and other interested parties to include representatives of environmental organizations and development interests.

#### **YEAR SEVEN** (July 13, 2003 through July 12, 2004)

A. Finalize construction and begin operating wastewater facilities in Hot Spots. Continue implementation of Wastewater Master Plan with continued emphasis on Hot Spots.

Agencies: County, FCAA, DEP, DCA, DOH, EPA and WQSC

B. Continue implementing selected projects as identified in the Storm Water Master Plan.

Agencies: County, DCA, DEP, DOT, SFWMD, EPA and WQSC

#### **YEAR EIGHT** (July 13, 2004 through July 12, 2005)

A. Review and revise (as necessary) the Conservation and Natural Areas Map.

Agencies: County, USFWS, FWCC, DEP, DCA

B. Initiate acquisition strategy for lands identified outside the Conservation and Natural Areas identified as worthy of protection.

Agencies: County, DCA, DEP

C. Begin public hearings for Conservation and Natural Areas boundaries.

Agencies: County

D. Conclude public hearings for the adoption of the amended Conservation and Natural Areas Boundaries.

Agencies: County

- E. Adopt an ordinance to implement a moratorium on ROGO/NROGO applications that involves the clearing of any portion of an upland tropical hardwood hammock or pinelands habitat contained in a tropical hardwood hammock or pinelands patch of two or more acres in size located within a Conservation and Natural Area.  
Agencies: County, DCA
- F. Adopt amendments to the comprehensive plan and land development regulations to enact overlay designations, and eliminate or revise the Habitat Evaluation Index, and modify the ROGO/NROGO system to guide development away from environmentally sensitive lands.  
Agencies: County, DCA
- G. Amend land development regulations to prohibit the designation of Conservation and Natural Areas (Tier I) as a receiver site for ROGO exempt development from sender sites; and to further limit clearing of upland native habitat that may occur in the Natural Areas (Tier I) and the Transition and Sprawl Reduction Area (Tier II) upon designation by the County.  
Agencies: County, DCA
- H. Develop Land Acquisition and Management Master Plan and address both funding and management strategies.  
Agencies: County, DCA, DEP, USFWS, FWCC
- I. Provide \$40 million in financing secured by infrastructure tax for wastewater facilities.  
Agencies
- J. Begin construction of wastewater plants or laying of collection lines for Baypoint, Conch Key and Key Largo Trailer Village/Key Largo Park.  
Agencies: County, FCAA, DEP, Key Largo Wastewater District
- K. Ensure the connection for up to 1,350 EDUs at Stock Island to Key West Resort Utilities.  
Agencies: County, DEP
- L. Complete lower Keys and Key Largo Feasibility Study.  
Agencies: County, FCAA, DEP
- M. Complete projects identified in the Stormwater Management Master Plan.  
Agencies: County, DEP, DCA
- N. Evaluate and implement strategies to ensure that affordable housing remains affordable in perpetuity for future generations. Establish a partnership with non-profit organizations in order to construct affordable housing using additional state funds.  
Agencies: County, FHFC, DCA\
- O. Identify potential acquisition sites for affordable housing proposals and include in the Land Acquisition Master Plan.  
Agencies: County, FHFC, DCA
- P. Provide up to \$10 million in bond financing from the Tourist Impact Tax for acquisition of land for workforce housing and affordable housing sites.  
Agencies: County
- Q. Complete a comprehensive analysis of hurricane3 evacuation issues in the Florida Keys and develop strategies to reduce actual hurricane clearance times and thereby reduce potential loss of life from hurricanes.  
Agencies: County, DCA

**YEAR NINE** (July 13, 2005 through July 12, 2006)

- A. In coordination with the Florida Keys Aqueduct Authority and the Key Largo Sewer District, initiate the process to obtain \$80 million in bond financing secured by connection fees.  
Agencies: County, FCAA, Key Largo Sewer District
- B. Secure site for lower Keys and Key Largo wastewater facilities  
Agencies: County, FCAA

**YEAR TEN** (July 13, 2006 through July 12, 2007)

- A. Award contract for design, construction and operation for the lower Keys and Key Largo wastewater facilities.  
Agencies: County, FCAA, Key Largo Sewer District
- B. Begin construction of the lower Keys and Key Largo wastewater plants.  
Agencies: County, FCAA, Key Largo Sewer District
- C. Initiate connections to lower Keys and Key Largo wastewater systems.  
Agencies: County, FCAA, Key Largo Sewer District
- D. Complete construction and hookups for Baypoint, Conch Key and Key Largo Trailer Village/Key Largo Park.  
Agencies: County, FCAA, Key Largo Sewer District
- E. Obtain \$80 million in bond financing secured by connection fees.  
Agencies: County, FCAA, Key Largo Sewer District

**Policy 101.2.14**

For those ROGO applications and properties which have been denied a ROGO award for four consecutive years and have applied for administrative relief, which are located in a CARL project or the National Wildlife Refuge and have received negative habitat scores under ROGO, the County or the state shall offer to purchase the property if funding for such is available. Refusal of the purchase offer shall not be grounds for granting a ROGO award.

**Policy 101.2.15**

Notwithstanding any other provision of the comprehensive plan, ROGO allocations and nutrient reduction credits utilized for affordable housing projects may be pooled and transferred between ROGO sub-districts and between local government jurisdictions within the Florida Keys ACSC. Any such transfer between local government jurisdictions must be accomplished through an interlocal agreement between the sending and receiving local governments.

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### **Objective 101.3**

Monroe County shall regulate non-residential development to maintain a balance of land uses to serve the needs of the future population of Monroe County.

#### **Policy 101.3.1**

Monroe County shall maintain a balance between residential and non-residential growth by limiting the square footage of non-residential development to maintain a ratio of approximately 239 square feet of new non-residential development for each new residential unit permitted through the Residential Permit Allocation System. This ratio may be modified from time to time through amendments to the land development regulations based upon market and other relevant studies as required by policy 101.3.5. The commercial allocation allowed by this policy shall be uniformly distributed on an annual basis, consistent with the Residential Permit Allocation System as set forth in Policy 101.2.1.

#### **Policy 101.3.2**

Applicants shall be required to obtain letters of coordination confirming the availability of potable water and electricity, and applicable permits from HRS prior to submitting a building permit application for new non-residential development to the Monroe County Growth Management Division through the Permit Allocation System. Applicants shall be required to obtain all other applicable agency permits prior to issuance of a County permit.

#### **Policy 101.3.3**

The Permit Allocation System for new non-residential (NROGO) development shall specify procedures for:

1. the annual adjustment of the square footage allocated for new non-residential development to be permitted during the next year based upon, but not limited to:
  - a) the square footage allocated for new non-residential development that expired during the previous year;
  - b) the amount of square footage available for allocations but not allocated in previous year;
  - c) modifications required or provided by this plan; and,
  - d) receipt or transfer of floor area by intergovernmental agreement.
2. maintaining a ratio of approximately 239 square feet of new non-residential development for each new residential unit permitted through the Permit Allocation System, as may be amended from time to time in accordance with Policy 101.3.1; and,
3. timing of the acceptance of applications, evaluation of applications, and issuance of permits for new non-residential development during the calendar year.

#### **Policy 101.3.4**

Public facilities shall be exempted from the requirements of the Permit Allocation System for new non-residential development. Except within Tier I designated areas pursuant to Goal 105 or within a designated Tier III Special Protection Area pursuant to Policy 205.1.1, certain development activity by federally tax-exempt not-for-profit educational, scientific, health, religious, social, cultural, and recreational organizations may be exempted from the Permit Allocation System by the Board of County Commissioners after review by the

Planning Commission upon a finding that such activity will predominately serve the County's non-transient population. All public and institutional uses that predominately serve the County's non-transient population and which house temporary residents shall be included in the Permit Allocation System for residential development, except upon factual demonstration that such transient occupancy is of such a nature so as not to adversely impact the hurricane evacuation clearance time of Monroe County.

**Policy 101.3.5**

By July 2005, Monroe County shall complete a market demand analysis and economic assessment to determine the demand for future non-residential development in Monroe County and planning sub-areas. The non-residential development allocation and Future Land Use Map (FLUM) designations for non-residential uses may be revised based upon the results of this study, and other relevant policy and economic studies and data and provide the basis for preparing specific amendments to the comprehensive plan to incorporate goals, objectives and policies on economic development including tourism. The analysis will address existing non-residential uses, vacancy rates, economic trends and demand for non-residential uses by planning sub-area.

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**Objective 101.4**

Monroe County shall regulate future development and redevelopment to maintain the character of the community and protect the natural resources by providing for the compatible distribution of land uses consistent with the designations shown on the Future Land Use Map. [9J-5.006(3)(b) 3]

**Policy 101.4.1**

The principal purpose of the Residential Conservation land use category is to encourage preservation of open space and natural resources while providing for very low-density residential development in areas characterized by a predominance of undisturbed native vegetation. Low-intensity public uses and utilities are also allowed. In addition, Monroe County shall adopt Land Development Regulations which allow any other nonresidential use that was listed as a permitted use in the Land Development Regulations that was in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre-2010 LDR's allowed, whichever is more restricted. Maximum permitted densities shall be based upon the results of the habitat analysis required by Division 8 of the Monroe County Land Development Regulations, as amended. [9J-5.006(3)(c) 1 and 7]

**Policy 101.4.2**

The principal purpose of the Residential Low land use category is to provide for low-density residential development in partially developed areas with substantial native vegetation. Low intensity public and low intensity institutional uses are also allowed. In addition, Monroe County shall adopt Land Development Regulations which allow any other nonresidential use that was listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre-2010 LDR's allowed, whichever is more restricted.

**Policy 101.4.3**

The principal purpose of the Residential Medium land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of this plan and to define improved subdivisions as those lots served by a dedicated and accepted existing roadway, have an approved potable water supply, and have sufficient uplands to accommodate the residential uses. Development on vacant land within this land use category shall be limited to one residential dwelling unit for each such platted lot or parcel which existed at the time of plan adoption. However, Monroe County shall adopt Land Development Regulations which allow nonresidential uses that were listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 LDR's allowed, whichever is more restricted. Lands within this land use category shall not be further subdivided. [9J-5.006(3)(c) 1 and 7]

**Policy 101.4.4**

The principal purpose of the Residential High category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers. In addition, Monroe County shall adopt Land Development Regulations which allow nonresidential uses that were listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 LDR's allowed, whichever is more restricted. [9J-5.006(3)(c) 1 and 7]

**Policy 101.4.5**

The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.

This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use category:

1. only low intensity commercial uses shall be allowed;
2. a maximum floor area ratio of 0.10 shall apply; and
3. maximum net residential density shall be zero.

**Policy 101.4.6**

The principal purpose of the Mixed Use/ Commercial Fishing land use category is to provide for the maintenance and enhancement of commercial fishing and related traditional uses such as retail, storage, and repair and maintenance which support the commercial fishing industry. Residential uses are also permitted. In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use category:

1. only low intensity commercial uses shall be allowed
2. a maximum floor area ratio of 0.10 shall apply; and
3. maximum net residential density shall be zero. [9J-5.006(3)(c)1 and 7]

**Policy 101.4.7**

The principal purpose of the Industrial land use category is to provide for the development of industrial, manufacturing, and warehouse and distribution uses. Other commercial, public, residential, and commercial fishing-related uses are also allowed. [9J-5.006(3)(c)1 and 7]

**Policy 101.4.8**

The principal purpose of the Agriculture/Aquaculture land use category is to encourage the retention of existing agricultural and aqua cultural uses. [9J-5.006(3)(c)1 and 7]

**Policy 101.4.9**

The principal purpose of the Recreation land use category is to provide for public and private activity-based and resource-based recreational facilities. [9J-5.006(3)(c)1 and 7]

**Policy 101.4.10**

The principal purpose of the Institutional land use category is to provide for institutional uses by federally tax-exempt, non-profit facilities, including, but not limited to, educational, scientific, religious, social service, cultural, and recreational organizations. Related residential and non-residential uses, including student and employee housing shall be allowed. [9J-5.006(3)(c)1 and 7]

**Policy 101.4.11**

The principal purpose of the Educational land use category is to provide for public educational facilities. The County shall coordinate with the School Board to balance educational facility land requirements with other land use objectives. In recognition of Monroe County's environment and the linear distribution of its population, the County shall encourage schools to accommodate building and facility requirements on existing sites. When new school sites are required, school shall be encouraged to locate proximate to urban residential areas and other public facilities. [9J-5.006(3)(c) 1 and 7]

**Policy 101.4.12**

The principal purpose of the Public Buildings/Grounds land use category is to provide for public buildings and grounds owned by federal, state and local governments. [9J-5.006(3)(c)1 and 7]

**Policy 101.4.13**

The principal purpose of the Public Facilities land use category is to provide for land owned by public utilities and service providers. [9J-5.006(3)(c)1 and 7]

**Policy 101.4.14**

The principal purpose of the Military land use category is to provide for federally owned lands used for military purposes. Development densities and intensities are not subject to regulation by Monroe County. Military commanders will be requested to follow these recommended densities and intensities as specified in Policy 101.4.22, consistent with natural resource constraints as well as all County environmental design criteria.

**Policy 101.4.15**

The principal purpose of the Conservation land use category is to provide for publicly owned lands held primarily for the preservation of natural and historic resources and compatible passive recreational uses. Public uses consistent with the purpose of this category shall be allowed. [9J-5.006(3)(c)1 and 7]

**Policy 101.4.16**

The principal purpose of the Airport District land use category is to prohibit the development of residential, educational or other uses which are characterized by the regular presence of large numbers of people within the hazard areas of civil and military airports.

**Policy 101.4.17**

The principal purpose of the Mainland Native land use category is to protect the undeveloped and environmentally sensitive character of land within Monroe County that is located on the mainland of the Florida peninsula. Very low density residential uses and low-intensity educational and research centers shall be allowed. All land in the mainland portion of Monroe County is hereby designated as Mainland Native.

**Policy 101.4.18**

The principal purpose of the Historic overlay category is to identify existing and potential historic districts for designation, protection, and preservation (See Goal 104 and supporting objectives and policies). Maximum permitted densities and intensities shall be in accordance with the underlying land use categories. [9J-5.006(3)(c)1 and 7]

**Policy 101.4.19**

Densities among properties designated Residential Conservation and Residential Low shall not be increased above the densities which existed prior to the date of plan adoption except through appeal procedures to demonstrate that such prior density designations were incorrect due to scrivener's/drafting errors or incorrect habitat conditions identified on the December 1985 Habitat Classification Aerial Photographs.

**Policy 101.4.21**

Monroe County hereby adopts the following density and intensity standards for the future land use categories, which are shown on the Future Land Use Map and described in Policies 101.4.1 - 101.4.17: [9J-5.006(3)(c)7].

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Future Land Use Densities and Intensities			
Future Land Use Category And Corresponding Zoning	Allocated Density (per acre)	Maximum Net Density (per buildable acre)	Maximum Intensity (floor area ratio)
Agriculture (A) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.20-0.25
Airport (AD) (AD zoning)	0 du 0 rooms/spaces	N/A N/A	0.10
Conservation (C) (CD zoning)	0 du 0 rooms/spaces	N/A N/A	0.05
Education (E) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.30
Industrial (I) (I and MI zoning)	1 du 0 rooms/spaces	2 du N/A	0.25-0.60
Institutional (INS) (no directly corresponding zoning)	0 du 3-15 rooms/spaces	N/A 6-24 rooms/spaces	0.25-0.40
Mainland Native (MN) (MN zoning)	0.01 du 0 rooms/spaces	N/A N/A	0.10
Military (M) (MF zoning)	6 du 10 rooms/spaces	12 du 20 rooms/spaces	0.30-0.50
Mixed Use/Commercial (MC) <sup>(a)</sup> (SC, UC, DR, RV, and MU zoning)	1-6 du 5-15 rooms/spaces	6-18 du 10-25 rooms/spaces	0.10-0.45
Mixed Use/Commercial Fishing (MCF) <sup>(a)</sup> (CFA, CFV <sup>(c)</sup> , CFSD zoning)	Approx. 3-8 du 0 rooms/spaces	12 du 0 rooms/spaces	0.25-0.40
Public Facilities (PF) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Public Buildings/Grounds (PB) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Recreation (R) (PR zoning)	0.25 du 2 rooms/spaces	N/A N/A	0.20
Residential Conservation (RC) (OS and NA zoning)	0-0.25 du 0 rooms/spaces	N/A N/A	0-0.10
Residential Low (RL) (SS <sup>(d)</sup> , SR, and SR-L zoning)	0.25-0.50 du 0 rooms/spaces	5 du N/A	0.20-0.25
Residential Medium (RM) (IS zoning)	approx. 0.5-8 du (1 du/lot) 0 rooms/spaces	N/A N/A	0
Residential High (RH) (IS-D <sup>(e)</sup> , URM <sup>(e)</sup> , and UR <sup>(f)</sup> zoning)	approx. 3-16 du (1-2 du/lot) 10 rooms/spaces	12 du 20 rooms/spaces	0
Notes: (a) "N/A" means that maximum net density bonuses shall not be available. (b) The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the maximum net densities bonuses shall not be available. (c) The allocated density for CFV zoning shall be 1 dwelling unit per lot and the maximum net density bonuses shall not be available. (d) Maximum net density bonuses shall not be available to the SS district. (e) The allocated density for IS-D and URM zoning shall be 2 and 1 dwelling units per lot, respectively and the maximum net density bonuses shall not be available. (f) The maximum net density for the UR district shall be 25 for units where all units are designated as affordable housing. (g) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/ Commercial Fishing land use categories, the floor area ratio shall be 0.10 and the maximum net residential density bonuses not apply. (h) Uses under the categories of Agriculture, Education, Institutional, Public Facilities, and Public Buildings and Uses, which have no directly corresponding zoning, may be incorporated into new or existing zoning districts as appropriate. (i) The Maximum Net Density is the maximum density allowable with the use of TDRs.			

**Policy 101.4.22**

All development shall be subject to clearing limits defined by habitat and the location of the property in the Land Use District (zoning) Overlay Tier Maps and the wetland requirements in Policy 102.1.1. The clearing limits of upland native vegetation areas for properties in the Ocean Reef planned development shall be limited to 40 percent of the existing upland native vegetation. Except as defined in Policy 101.12.4, clearing of upland native vegetative areas in the Tiers I, II, and III shall be limited for the portion of the property containing upland native vegetation in the following percentages:

<u>Tier</u>	<u>Permitted Clearing *</u>
I	20%
II	40% (Big Pine Key and No Name Key)
III	40% or 3,000 s.f., whichever is greater; however, the maximum amount of clearing shall be no more than 7,500 square feet, regardless of the amount of upland native vegetative area.

\* Palm or cactus hammock is limited to only 10%.

**Policy 101.4.23**

Notwithstanding the density limitations set forth in Policy 101.4.21, land upon which a legally-established residential dwelling unit exists shall be entitled to a density of one dwelling unit per each such unit. Such legally-established dwelling unit shall not be considered as non-conforming as to the density provisions of policy 101.4.21 and the Monroe County Code.

**Policy 101.4.24**

In order to preserve the existing community character and natural environment, Monroe County shall limit the height of structures including landfills to 35 feet. Exceptions will be allowed for appurtenances to buildings, transmission towers and other similar structures.

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### **Objective 101.5**

Monroe County shall implement a Point System based primarily on the Tier system of land classification in accordance with Goal 105, which directs future growth in order to:

1. encourage the redevelopment and renewal of blighted areas [9J-5.006(3)(b)2];
2. maintain and enhance the character of the community [9J-5.006(3)(b)3];
3. protect natural resources [9J-5.006(3)(b)4];
4. encourage a compact pattern of development [9J-5.006(3)(b)7];
5. encourage the development of affordable housing; and,
6. encourage development in areas served by central wastewater treatment systems.

### **Policy 101.5.1**

Monroe County shall adopt through its land development regulations a new Point System for residential (ROGO) and non-residential (NROGO) development to replace the existing Point System by no later than July 1, 2005. Except for affordable housing, this Point System, as set forth in Policy 101.5.4 for residential development and Policy 101.5.5 for non-residential development, shall be used as a basis for selecting the development applications which are to be issued permits through the Permit Allocation System pursuant to Policy 101.5.4 and Policy 101.5.5. For market rate housing units or non-residential development to be awarded allocations under the Permit Allocation System the Point System shall specify positive point factors which shall be considered as assets and shall specify negative point factors which shall be considered as liabilities in the evaluation of applications for new residential and non-residential development.

### **Policy 101.5.2**

In order to encourage a compact form of residential growth that results in infill development in platted, improved subdivisions, the Point System shall be primarily based on the Tier system of land classification as set forth under Goal 105. To discourage and limit further growth in Tier I designated areas, the annual maximum number of residential permit allocations that may be awarded in Tier I shall be no more three (3) in each of the two Residential Permit Allocation planning areas established by the Land Development Regulations. [9J-5.006(3)(c)1 and 6]

### **Policy 101.5.3**

In order to encourage a compact form of non-residential growth, the Permit Allocation System shall limit and direct new non-residential development primarily to areas designated as Tier III under Goal 105 not located within a designated Special Protection Area and provide incentives for redevelopment of existing developed and vacant infill sites. (See Policy 101.3.1.) [9J-5.006(3)(c)1]

### **Policy 101.5.4**

Monroe County shall implement the residential Permit Allocation and Point System through its land development regulations based primarily on the Tier system of land classification as set forth under Goal 105. The points are intended to be applied cumulatively.

1. **Tier Designation** - Utilizing the Tier System for land classification in Policy 105.2.1, the following points shall be assigned to allocation applications for proposed dwelling units in a manner that encourages development of infill in predominately developed areas with existing infrastructure and few sensitive environmental features and discourages

development in areas with environmentally sensitive upland habitat which must be acquired or development rights retired for resource conservation and protection.

<i>Point Assignment:</i>	<i>Criteria:</i>
+0	Proposes a dwelling unit within areas designated Tier I [Natural Area] on Big Pine Key and No Name Key.
+10	Proposes a dwelling unit within areas designated Tier I [Natural Area] outside of Big Pine Key or No Name Key.
+10	Proposes development within areas designated Tier II [Transition and Sprawl Reduction Area on Big Pine Key or No Name Key.]
+20	Proposes development within areas designated Tier III [Infill Area] on Big Pine Key or No Name Key.
+20	Proposes development within areas designated Tier III [Infill Area] outside of Big Pine Key or No Name Key that will result in the clearing of upland native vegetation within a Special Protection Area.
+30	Proposes development within areas designated Tier III [Infill Area] outside of Big Pine Key or No Name Key that will not result in the clearing of any upland native vegetation within a Special Protection Area.

- 2. Big Pine and No Name Keys** - The following negative points shall be cumulatively assigned to allocation applications for proposed dwellings to implement the Big Pine Key and No Name Key Habitat Conservation Plan and the Livable CommuniKeys Community Master Plan.

<i>Point Assignment:</i>	<i>Criteria:</i>
-10	Proposes development on No Name Key.
-10	Proposes development in designated Lower Keys Marsh Rabbit habitat or buffer areas as designated in the Community Master Plan.
-10	Proposes development in Key Deer Corridor as designated in the Community Master Plan.

- 3. Lot Aggregation** – The following points shall be assigned to allocation applications to encourage the voluntary reduction of density through aggregation of legally platted buildable lots within Tier II and Tier III areas.

<i>Point Assignment:</i>	<i>Criteria:</i>
+4	Each additional contiguous vacant, legally platted lot which is aggregated in a designated Tier III area outside of Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified.*
+3	Each additional contiguous vacant, legally platted



	lot which is aggregated in a designated Tier II or III area on Big Pine Key and No Name Key that meets the aforementioned requirements will earn additional points as specified.
	<i>*Exception:</i>
	No points for lot aggregation will be awarded for any proposed development that involves the clearing of any upland native vegetation in a Tier III Special Protection Area.

- 4. Land Dedication** – The following points shall be assigned to allocation applications to encourage, the voluntary dedication of vacant, buildable land within Tier I designated areas and Tier III Special Protection Areas for the purposes of conservation, resource protection, restoration or density reduction and, if located in Tier III outside of Special Protection Areas, for the purpose of providing land for affordable housing where appropriate.

<i>Point Assignment:*</i>	<i>Criteria:*</i>
+4	Proposes dedication to Monroe County of one vacant, legally platted lot of sufficient minimum lot size and upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+1 for each 5,000 square feet of lot size	Proposes dedication to Monroe County of a vacant, legally platted lot of 5,000 square feet or more in size, designated as Residential Low with a maximum net density within a Tier I area and containing sufficient upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+0.5	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of at least 5,000 square feet in size within a Tier I area, designated as Residential Conservation, or Residential Low with no maximum net density, containing sufficient upland to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+4	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier I area containing sufficient upland to be buildable. Each additional one (1) acre of vacant, unplatted land that meets the aforementioned requirements will earn points as specified.
	<i>* Exception:</i>
	Applications for a dwelling unit on Big Pine Key and No Name Key shall be awarded

	points for land dedication in accordance with Action Item 3.2.2 C of the Livable CommuniKeys Master Plan for Big Pine Key and No Name Key.
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- 5. Market Rate Housing in Employee or Affordable Housing Project-** The following points shall be assigned to allocation applications for market rate housing units in an employee or affordable housing project:

<i>Point Assignment:</i>	<i>Criteria:</i>
+6	Proposes a market rate housing unit which is part of an affordable or employee housing project; both affordable and employee housing shall meet the policy guidelines for income in Policy 601.1.7 and other requirements pursuant to the Land Development Regulations.

- 6. Special Flood Hazard Areas** – The following points shall be assigned to allocation applications for proposed dwelling unit(s) to provide a disincentive for locating within certain coastal high flood hazard areas:

<i>Point Assignment:</i>	<i>Criteria:</i>
-4	Proposes development within “V” zones on the FEMA flood insurance rate maps.

- 7. Central Wastewater System Availability** – The following points shall be assigned to allocation applications:

<i>Point Assignment:</i>	<i>Criteria:</i>
+4	Proposes development required to be connected to a central wastewater treatment system that meets the BAT/AWT treatment standards established by Florida Legislature and Policy 901.1.1.

- 8. Payment to the Land Acquisition Fund** – Up to two (2) points shall be awarded for a monetary payment by the applicant to the County’s land acquisition fund for the purchase of lands for conservation, and retirement of development rights. The monetary value of each point shall be set annually by the County based upon the estimated average fair market value of vacant, privately-owned, buildable IS/URM zoned, platted lots in Tier I.
- 9. Perseverance Points** – One (1) point shall be awarded for each year that the allocation application remains in the allocation system up to a maximum accumulation of four (4) points.

#### **Policy 101.5.5**

Monroe County shall implement the non-residential Permit Allocation and Point System through its land development regulations based primarily on the Tier system of land classification pursuant to Goal 105. The points are intended to be applied cumulatively.

1. **Tier Designation** – Utilizing the Tier System for land classification in Policy 105.2.1, the following points shall be assigned to allocation applications for proposed non-residential development in a manner that encourages development of infill in predominately developed areas with existing infrastructure, commercial concentrations, and few sensitive environmental features, and discourages development in areas with environmentally sensitive upland habitat, which must be acquired or development rights retired for resource conservation and protection:

<i>Point Assignment:</i>	<i>Criteria:</i>
0	Proposes non-residential development within an area designated Tier I [Natural Area], except for the expansion of lawfully established non-residential development provided under “exception” below.
+10	Proposes non-residential development within an area designated Tier II [Transition and Sprawl Reduction Area on Big Pine Key and No Name Key].
+10	Proposes non-residential development that will result in the clearing of any upland native vegetation within a Special Protection Area in Tier III.
+20	Proposes non-residential development within an area designated Tier III [Infill Area].
	<i>Exception:</i>
	Any lawfully established non-residential development shall be assigned +20 points contingent upon no further clearing of upland native habitat and no addition to and/or expansion of the existing lot or parcel upon which the existing use is located.

2. **Intensity Reduction.** The following points shall be assigned to allocation applications to encourage the voluntary reduction of intensity:

<i>Point Assignment:</i>	<i>Criteria:</i>
+ 4	An application proposes development that reduces the permitted floor area ratio (FAR) to twenty three percent (23%) or less.

3. **Land Dedication** - The following points shall be assigned to allocation applications to encourage, the voluntary dedication of vacant, buildable land within Tier I and Tier II (Big Pine Key and No Name Key) designated areas and Tier III Special Protection Areas for the purposes of conservation, resource protection, restoration or density reduction and, if located in Tier III outside of Special Protection Areas, for the purpose of providing land for affordable housing where appropriate.

<i>Point Assignment:</i>	<i>Criteria:</i>
+4	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of sufficient minimum lot size and

	upland area to be buildable. Each additional vacant, legally platted, buildable lot which is dedicated that meets the aforementioned requirements will earn the additional points as specified.
+1 per 5,000 square feet of lot area	Proposes dedication to Monroe County of a vacant legally platted lot of five thousand (5,000) square feet or more in size, designated as Residential Low with maximum net density within a Tier I area and containing sufficient upland to be buildable. Each additional vacant, legally platted lot, that meets the aforementioned requirements will earn points as specified.
+0.5	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of five thousand (5,000) square feet or more within a Tier I area designated as Residential Conservation, or Residential Low with no maximum net density, containing sufficient upland to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+4	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier I area containing sufficient upland to be buildable. Each additional one (1) acre of vacant, unplatted land that meets the aforementioned requirements will earn the points as specified.

4. **Special Flood Hazard Area** - The following points shall be assigned to allocation applications to discourage development within high risk special flood hazard zones:

<i>Point Assignment.</i>	<i>Criteria:</i>
- 4	Proposes development within a "V" zone on the FEMA Flood Insurance Rate Map.

5. **Perseverance Points** - One (1) or two (2) points shall be awarded for each year that the allocation application remains in the system.
6. **Highway Access** - The following points shall be assigned to allocation applications to encourage connections between commercial uses and reduction of the need for trips and access onto U.S. Highway 1:

<i>Point Assignment.</i>	<i>Criteria:</i>
+3	The development eliminates an existing driveway or access-way to U.S. Highway 1.
+2	The development provides no new driveway or access-way to U.S. Highway 1.

7. **Landscaping and Water Conservation** - The following points shall be assigned to allocation applications to encourage the planting of native vegetation and promote water conservation:

<i>Point Assignment:</i>	<i>Criteria:</i>
+3	The project provides a total of two hundred percent (200%) of the number of native landscape plants on its property than the number of native landscape plants required by this chapter within landscaped bufferyards and parking areas.
+1	Twenty-five percent (25%) of the native plants provided to achieve the three (3) point award above or provided to meet the landscaped bufferyard and parking area requirements of this chapter are listed as threatened or endangered plants native to the Florida Keys.
+2	Project landscaping is designed for water conservation such as use of one hundred percent (100%) native plants for vegetation, collection and direction of rainfall to landscaped areas, or the application of re-used wastewater or treated seawater for watering landscape plants.

8. **Central Wastewater System Availability** – The following points shall be assigned to allocation applications:

<i>Point Assignment:</i>	<i>Criteria:</i>
+4	Proposes development required to be connected to a central wastewater treatment system that meets the BAT/AWT treatment standards established by Florida Legislature and Policy 901.1.1.

9. **Employee Housing** – The following points, up to a maximum of four (4), shall be assigned to allocation applications for employee housing units:

<i>Point Assignment:</i>	<i>Criteria:</i>
+2	Proposes an employee housing unit which is located on a parcel with a non-residential use.

10. **Payment to the Land Acquisition Fund** – Up to two (2) points shall be awarded for a monetary payment by the applicant to the County's land acquisition fund for the purchase of lands for conservation, and retirement of development rights. The monetary value of each point shall be set annually by the County based upon the estimated average fair market value of vacant, privately-owned, buildable IS/URM zoned, platted lots in Tier I.

#### **Policy 101.5.6**

The Residential and Non-residential Point Systems shall be monitored on an annual basis and revised as necessary based on new studies and data in a manner that is consistent with and furthers the goals, policies, and objectives of this plan.

#### **Policy 101.5.7**

Monroe County shall allow for the development of residential projects with multiple units within the Permit Allocation System. If a project ranks high enough in the Point System for a portion of the development to receive an allocation award, but the project includes more units than are available during an allocation period, the entire project may receive allocation awards if the excess allocation is reduced from the next allocation period(s).

#### **Policy 101.5.8**

Monroe County may develop a program, called Transfer of ROGO Exemption (TRE), that would allow for the transfer off-site of dwelling units, hotel rooms, campground/recreational vehicle spaces and/or mobile homes to another site in the same ROGO sub-area, provided that they are lawfully existing and can be accounted for in the County's hurricane evacuation model. In addition, the receiver site shall be located within a Tier III area outside a designated Special Protection Area and for a receiver site on Big Pine Key and No Name Key, the sending site shall also be located on one of those two islands.

**Policy 101.5.9**

For the purposes of NROGO scoring pursuant to Policy 101.5.5, lawfully established non-residential uses shall be assigned +20 points. If any such use is located within a Tier I designated area or a Tier III Special Protection Area, such scoring assignment shall be contingent upon no further clearing of upland native habitat and no addition to and/or expansion of the existing lot or parcel upon which the use is located.

**Policy 101.5.12**

Non-residential development on Big Pine Key and No Name Key will be allocated pursuant to the following additional criteria:

1. Development must be infill in existing commercial areas in Tier 2 and Tier 3 lands, mainly along the U. S. 1 corridor on Big Pine Key.
2. All new non-residential development will be limited to disturbed or scarified lands.
3. Allocation awards shall be allowed to exceed 2,500 square feet per site if located within the designated Community Center Overlay as designated by Action Item 4.1.5.
4. New allocations shall be awarded moderate positive points to applicants who fulfill the additional criterion set forth in Strategy 4.2 of the Livable CommuniKeys Master Plan for Big Pine Key and No Name Key.

All new non-residential development within the planning area shall be exempt from criterion 5, 6, 7, and 17 of Policy 101.5.5. Development that is exempt from NROGO will not be subject to criteria 1 through 4 above.

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**Objective 101.6**

Monroe County shall expand the Monroe County Land Authority acquisition program to provide for the purchase of land from property owners who have not been awarded building permit allocations in the Permit Allocation System.

**Policy 101.6.1**

Monroe County, the state, or other acquisition agency shall, upon a property owner's request, purchase the property for fair market value or permit the minimum reasonable economic use of the property pursuant to Policy 101.6.5, if the property owner meets the following conditions:

1. they have been denied an allocation award for four successive years in the Residential (ROGO) or Non-residential (NROGO) Permit Allocation System;
2. their proposed development otherwise meets all applicable county, state, and federal regulations;
3. their allocation application has not been withdrawn;
4. they have complied with all the requirements of the Residential or Non-residential Permit Allocation System; and
5. they follow the procedures for administrative relief contained in the land development regulations.

As used in this Policy, "minimum reasonable economic use" shall mean, as applied to any residentially zoned lot of record which was buildable immediately prior to the effective date of the Plan, no less than a single-family residence. "Fair market value" shall be an amount which is no less than ad valorem valuation in the Monroe County Real Property Tax Roll for the year 1992.

**Policy 101.6.2**

By fiscal year 1998, the Monroe County Land Authority shall dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from qualified property owners as defined by Policy 101.6.1. Funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners, but may also be used to acquire other properties when deemed appropriate by the Land Authority.

**Policy 101.6.3**

By January 4, 1998, Monroe County shall identify potential funding sources and seek funding from state, federal, and/or private sources to be used for acquisition of land from qualified property owners as defined by Policy 101.6.1.

**Policy 101.6.4**

The County will coordinate with DCA to ensure that DCA continues to support enhanced land acquisition efforts in the Keys based on needs identified in this comprehensive plan. This coordination shall ensure continued support of state acquisition efforts under CARL, Preservation 2000 and the Florida Communities Trust programs. The County encourages the Department to work at the state level to create a dedicated acquisition fund for Tier 1 lands on Big Pine Key and No Name Key based on the results of the Carrying Capacity Study, the requirements of the incidental take permit and Habitat Conservation Plan and the Master Plan for Big Pine Key and No Name Key. The County and the Department will also support appropriate legislative changes which will have the effect of enhancing the Land Authority efforts throughout the County, and the South Florida Water Management

District's acquisitions on Big Pine Key. Similarly, cooperation will continue with private acquisition efforts, such as The Nature Conservancy and the Florida Land and Sea Trust.

**Policy 101.6.5**

Monroe County, the state, or other acquisition agency shall pursue land acquisition through voluntary purchase of lands from private property owners denied a building permit through the Permit Allocation System, as the preferred option for administrative relief pursuant to Policy 101.6.1, if the subject permit is for development located within:

1. a designated Tier I area;
2. a designated Tier III Special Protection Area; or,
3. a designated Tier III area on a non-waterfront lot suitable for affordable housing.

Refusal of the purchase offer by a property owner shall not be grounds for the granting of a ROGO or NROGO allocation award.

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**Objective 101.7**

Monroe County shall evaluate potential redevelopment areas and prepare redevelopment plans for areas determined to be in need of redevelopment. [9J-5.006(3)(b)2]

**Policy 101.7.1**

By January 4, 1998, Monroe County shall conduct a needs assessment of potential redevelopment areas. This assessment shall analyze land use changes, property values, structural conditions, business climate, renter/owner ratios, commercial and residential vacancy rates, and other indicators of economic vitality and physical living conditions for which information is available.

**Policy 101.7.2**

By January 4, 1998, Monroe County shall complete a community plan for Stock Island which shall address redevelopment needs identified by the needs assessment of potential redevelopment areas. Preparation and funding of this plan shall be coordinated with the City of Key West.

**Policy 101.7.3**

By January 4, 1998, the Board of County Commissioners shall consider adopting a Finding or Findings of Necessity as specified in the Florida Community Redevelopment Act, Chapter 163, Part III, F.S. for any area or areas where such a Finding is deemed appropriate and is supported by documented need.

**Policy 101.7.4**

By January 4, 1998, Monroe County shall prepare and adopt redevelopment plans for any area or areas for which the Board of County Commissioners adopts a Finding of Necessity.

**Policy 101.7.5**

Monroe County shall consider privately developed redevelopment plans if prepared in conformance with Chapter 163, Part III, F. S. and approved by the Board of the County Commissioners.

**Policy 101.7.6**

The Monroe County Planning Department, in coordination with the Office of Management and Budget Grants Manager, shall solicit state and federal funds to meet specific community needs for neighborhood revitalization and redevelopment identified by the needs assessment of potential redevelopment areas.

**Policy 101.7.7**

Monroe County shall coordinate redevelopment efforts with interested citizens' groups, the Monroe County Housing Authority, the Monroe County Sheriff's Department, and other appropriate local, state and federal agencies.

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**Objective 101.8**

Monroe County shall eliminate or reduce the frequency of uses which are inconsistent with the applicable provisions of the land development regulations and the Future Land Use Map, and structures which are inconsistent with applicable codes and land development regulations. [9J-5.006(3)(b)3]

**Policy 101.8.1**

Monroe County shall prohibit the expansion of non-conforming uses. [9J-5.006(3)(c)2]

**Policy 101.8.2**

Monroe County shall prohibit a non-conforming use to be changed to any other use unless the new use conforms to all applicable provisions of the Future Land Use category and zoning district in which it is located.

**Policy 101.8.3**

Monroe County shall prohibit the relocation of a structure in which a non-conforming use is located unless the use thereafter conforms to the provisions of the Future Land Use category and zoning district in which it is located.

**Policy 101.8.4**

With the exception of non-conforming uses located in the Mixed Use/Commercial Fishing Future Land Use category, if a structure in which a non-conforming use is located is damaged or destroyed so as to require substantial improvement, then the structure may be repaired or restored only for uses which conform to the provisions of the Future Land Use category and zoning district in which it is located. [9J-5.006(c)2]

**Policy 101.8.5**

Substantial improvement is defined as any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the pre-destruction market value of the structure. Improvements to historic sites, and improvements to meet health, sanitary or safety code specifications are not considered substantial improvements. [9J-5.006(3)(c)2]

**Policy 101.8.6**

Non-conforming uses existing as of September 15, 1986 and located within the Mixed Use/Commercial Fishing category, as indicated on the Future Land Use Map, may be rebuilt if damaged or destroyed, provided that they are rebuilt to the preexisting use, building footprint and configuration without increase in density or intensity of use.

**Policy 101.8.7**

Monroe County shall prohibit the re-establishment of non-conforming uses which have been discontinued or abandoned. [9J-5.006(3)(c)2]

**Policy 101.8.8**

Enlargements and extensions to non-conforming structures shall be allowed, provided that:

1. the improvement does not constitute a substantial improvement;
2. a non-conforming use is not located in the non-conforming structure; and
3. the nonconformity is not further violated.

**Policy 101.8.9**

A non-conforming structure, other than a locally or nationally registered historic structure, shall not be moved unless it thereafter shall conform to the applicable provisions of the Monroe County Code.

**Policy 101.8.10**

With the following exception, non-conforming structures which are damaged or destroyed so as to require substantial improvement shall be repaired or restored in conformance with all applicable provisions of the current Monroe County Code. Substantial improvement or reconstruction of non-conforming single-family homes shall comply with the setback provisions of the Monroe County Land Development Regulations except where strict compliance would result in a reduction in lot coverage as compared to the pre-destruction footprint of the house. In such cases, the maximum shoreline setback shall be maintained and in no event, shall the shoreline setback be less than ten (10) feet from mean height water.

**Policy 101.8.11**

Existing manufactured homes which are damaged or destroyed so as to require substantial improvement shall be required to meet the most recent HUD standards, and the floodplain management standards set forth by FEMA.

**Policy 101.8.12**

If a non-conforming structure is abandoned, then such structure shall be removed or converted to a conforming structure.

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**Objective 101.9**

Monroe County shall provide for drainage and stormwater management so as to protect real and personal property and to protect and improve water quality. [9J-5.006(3)(b)4]

**Policy 101.9.1**

Upon adoption of the Comprehensive Plan, Monroe County shall adopt and implement the level of service standards for stormwater management established in Drainage Policy 1001.1.1. These level of service standards ensure that at the time a development permit is issued, adequate stormwater management facilities are available to support the development concurrent with the impacts of such development. (See Drainage Objective 1001.1 and related policies.) [9J-5.006(3)(c)4]

**Policy 101.9.2**

By January 4, 1997, Monroe County shall adopt a Stormwater Management Ordinance. This ordinance shall require that all improvements for replacement, expansion or increase in capacity of drainage facilities conform with the adopted level of service standards for new development. (See Drainage Objective 1001.1 and related policies.) [9J-5.006(3)(c)4]

**Policy 101.9.3**

Monroe County shall maintain a five-year schedule of capital improvement needs for drainage facilities as part of the Capital Improvement Program. This schedule shall be updated annually. (See Drainage Objective 1001.2 and related policies.) [9J-5.006(3)(c)4]

**Policy 101.9.4**

By December 31, 1998, Monroe County, in coordination with the South Florida Water Management District (SFWMD) and the Florida Department of Environmental Protection (DEP), shall complete a Stormwater Management Master Plan. This plan shall identify improvements required to attain adopted levels of service for all existing and proposed land uses. (See Drainage Objective 1001.3 and related policies.) Prior to completion of the Stormwater Management Master Plan, but in no case later than one (1) year from the effective date of this plan, the County shall adopt land development regulations requiring xeriscape landscaping standards and other low maintenance landscaping requirements (including native vegetation ratio of 70%) in order to reduce fertilizer runoff into near shore waters. [9J-5.006(3)(c)4]

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**Objective 101.10**

Monroe County shall work cooperatively with Dade County to encourage land use planning and development controls which shall protect the recharge area of the Florida City Wellfield from potential sources of groundwater contamination. [9J-5.006(3)(b)4]

**Policy 101.10.1**

Protection of the Florida City Wellfield shall be accomplished through continued implementation of the Dade County Wellfield Protection Ordinance and the water supply policies of the SFWMD. [9J-5.006(3)(c)6]

**Policy 101.10.2**

By January 4, 1998, Monroe County shall seek an interlocal agreement with Dade County. This agreement shall provide Monroe County with an opportunity to comment on land use and regulatory issues related to the Florida City Wellfield, aquifer and aquifer recharge area. It shall set forth procedures for review of land use and regulatory activities identified as having potentially significant impacts on the aquifer recharge and water supply systems. Criteria for determination of significant impacts shall be included in the interlocal agreement. [9J-5.006(3)(c)6]

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**Objective 101.11**

Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. [9J-5.006(3)(b)4 and 7]

**Policy 101.11.1**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which establish a Point System to encourage a compact pattern of development (See Objective 101.5 and supporting policies).

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**Objective 101.12**

Monroe County shall ensure that sufficient acreage is available for utilities and public facilities, including education and public health facilities, required to support proposed development and redevelopment. [9J-5.006(3)(b)8]

**Policy 101.12.1**

By January 4, 1997, Monroe County shall adopt a Concurrency Management System in accordance with Policy 1401.4.5 of the Capital Improvements Element to ensure that facilities required to provide utility services to new development in order to maintain adopted LOS standards are authorized at the same time that new development is authorized. [9J-5.006(3)(c)3]

**Policy 101.12.2**

Monroe County shall, on an annual basis during the preparation of the Concurrency Management Report, coordinate with the Municipal Services District, the Florida Keys Aqueduct Authority, City Electric System and the Florida Keys Electric Cooperative to determine the acreage and location of land needed to accommodate projected service expansions. [9J-5.006(3)(c)3]

**Policy 101.12.3**

Monroe County shall, on an annual basis during the preparation of the Concurrency Management Report, coordinate with the Monroe County School Board, Fire Marshall and Sheriff's Department to identify potential acquisition sites required to accommodate projected expansions in education and public service facilities. [9J-5.006(3)(c)3]

**Policy 101.12.4**

Monroe County shall require that the following analyses be undertaken prior to finalizing plans for the siting of any new or the significant expansion (greater than 25 percent) of any existing public facility:

1. assessment of needs;
2. evaluation of alternative sites and design alternatives for the alternative sites; and,
3. assessment of direct and secondary impacts on surrounding land uses and natural resources.

The assessment of impacts on surrounding land uses and natural resources will evaluate the extent to which the proposed public facility involves public expenditures in the coastal high hazard area and within environmentally sensitive areas, including disturbed salt marsh and buttonwood wetlands, undisturbed beach berm areas, units of the Coastal Barrier Resources System, undisturbed uplands (particularly high quality hammock and pinelands), habitats of species considered to be threatened or endangered by the state and/or federal governments, offshore islands, and designated Tier I areas.

Except for passive recreational facilities on publicly-owned land, no new public community or utility facility other than water distribution and sewer collection lines or pump/vacuum/lift stations shall be allowed within Tier I designated areas or Tier III Special Protection Area unless it can be accomplished without clearing of hammock or pinelands. Exceptions to this requirement may be made to protect the public health, safety, and welfare, if all the following criteria are met:

1. No reasonable alternatives exist to the proposed location; and
2. The proposed location is approved by a supermajority of the Board of County Commissioners.

The site of the Key Largo Wastewater Treatment Facility (located at mile marker 100.5) with an allowed clearing of up to 4.2 acres shall not be subject to this policy.

**Policy 101.12.5**

Monroe County shall coordinate the siting of new public facilities with the appropriate local, state and federal agencies to resolve potential regulatory conflicts and ensure compliance with all applicable state and federal regulations. [9J-5.006(3)(c)2 and 6]

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**Objective 101.13**

Monroe County shall adopt innovative Land Development Regulations which implement the Goals, Objectives and Policies of the Comprehensive Plan. Such regulations shall include a Permit Allocation System for residential and non-residential development and revisions to the existing Transferable Development Rights (TDR) regulations to address existing deficiencies in the TDR program. [9J-5.006(b)9]

**Policy 101.13.1**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which establish a Permit Allocation and Point System for new residential and non-residential development (See Policies 101.2.1, 101.3.1, and 101.5.1).

**Policy 101.13.2**

By January 4, 1998, Monroe County shall evaluate the existing TDR program and adopt Land Development Regulations which address identified deficiencies in the program. The following issues shall be considered in evaluating the program:

1. revision to the current tax policy whereby owners of sites which have transferred development rights continue to pay taxes on such rights until development orders have been issued for the transferred rights at the receiver sites;
2. establishment of criteria for designation of sender and receiver sites based upon factors such as the environmental characteristics of the land;
3. establishment of mechanisms to enhance the value and marketability of TDRs such as assigning density bonuses to receiver sites;
4. clarification of the status of sites which have transferred development rights, including the possible requirements that sender sites be dedicated as public or private open space through conservation easement or other mechanism. At a minimum, the LDRs shall be revised to require that a restrictive covenant be recorded on the sender site deed at the time of the Allocation Award for the Permit Allocation System; and
5. establishment of a management and accounting system to tract TDRS



**Policy 101.13.3**

The Maximum Net Density is the maximum density allowable with the use of TDRs, and shall not exceed the maximum densities established in this plan. The assignment of TDRs to Big Pine Key, No Name Key, and North Key Largo from other areas of the County shall be prohibited.

**Policy 101.13.4**

In conjunction with the evaluation of the existing TDR program pursuant to Policy 101.13.2, parcels within the following habitats and land use districts shall be designated as sender sites for Transferable Development Rights (TDRs):

Any parcel within these zoning categories:

Offshore Island (OS)	Sparsely Settled (SS)
Main land Native (MN)	Parks and Refuge (PR)
Native (NA)	Conservation (C)

Habitat of the following types which lie within any zoning category:

- Freshwater wetlands
- Saltmarsh/Buttwood wetlands
- High quality high hammock
- High quality low hammock
- Moderate quality high hammock
- Moderate quality low hammock
- High quality pinelands
- Low quality pinelands
- Beach/berm
- Palm Hammock
- Cactus Hammock
- Disturbed Wetlands

**Policy 101.13.5**

In conjunction with the evaluation of the TDR program pursuant to Policy 101.13.2 and no later than one year from the date when the County's Geographic Information System is fully functional, Monroe County shall map potential TDR sender and receiver sites as specified in Policy 101.13.4, and shall map parcels from which development rights have been transferred. These maps shall be updated as necessary and made available to Growth Management staff and public for use in the development review process.

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**Objective 101.14**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which direct future growth away from areas subject to periodic flooding.

**Policy 101.14.1**

Monroe County shall discourage developments proposed within the Coastal High Hazard Area (CHHA) [9J-5.006(3)(c)1]

**Policy 101.14.2**

Monroe County shall prohibit the placement of mobile homes within the CHHA except on an approved lot within an existing mobile home park or subdivision zoned for such use. [9J-5.012(3)(c)3]

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**Objective 101.15**

Monroe County shall enforce and update the existing Sign Ordinance in order to maintain and improve the visual character of the County and protect adjacent land uses.

**Policy 101.15.1**

By January 4, 1998, Monroe County shall complete an evaluation of the existing Sign Ordinance and adopt revisions to the Land Development Regulations required to correct identified deficiencies and eliminate non-conforming signage conditions. [9J-5.006(3)(c)1]

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**Objective 101.16**

By January 4, 1998, Monroe County shall adopt guidelines and criteria consistent with nationally recognized standards and tailored to local conditions which provide for safe and convenient on-site traffic flow, adequate pedestrian ways and sidewalks, and sufficient on-site parking for both motorized and non-motorized vehicles.

**Policy 101.16.1**

By January 4, 1998, Monroe County shall adopt Land Development Regulations which provide for safe and convenient on-site traffic flow, adequate pedestrian ways and sidewalks, and sufficient on-site parking for both motorized and non-motorized vehicles.  
[9J-5.006(3)(c)4]

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**Objective 101.17**

Monroe County shall create and maintain a County Geographic Information System (GIS) to provide an up-to-date database for use in implementing the goals, objectives and policies of the Comprehensive Plan.

**Policy 101.17.1**

By January 4, 1997, the Monroe County Growth Management staff shall create an up-to-date socioeconomic and physical database linked to the County Geographic Information System (GIS) for use in managing future land use. The database shall incorporate 1990 Census information.

**Policy 101.17.2**

The Monroe County Growth Management staff shall, on a quarterly basis, update the GIS and associated databases to incorporate new or updated information such as development activity, zoning changes, updated Census data, new natural resource information, etc.

**Policy 101.17.3**

Monroe County shall continue to share data with the Florida Keys Aqueduct Authority, City Electric System, South Florida Water Management District, and other agencies for use in GIS applications.

**Policy 101.17.4**

The Monroe County Growth Management Division shall coordinate with the Property Appraiser's Office to ensure existing land uses and densities and intensities of use are accurately reflected in the County's database.

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**Objective 101.18**

Monroe County hereby adopts the following procedures and criteria for the determination of vested rights and beneficial use and for the effect of such determinations.

**Policy 101.18.1**

A determination of vested rights and beneficial use shall require:

1. appointment of a hearing officer who shall give notice, schedule, and conduct a public hearing on the application;
2. the preparation of a proposed Determination including findings of fact and conclusions of law which shall be submitted to the Board of County Commissioners; and
3. a final Determination that shall specify the development rights that are vested or the beneficial use to which the landowner is entitled, including:
  - a) the geographic scope of the Determination in relation to the total area of the development site;
  - b) the duration of the Determination and an expiration date;
  - c) the substantive scope of the Determination, including, but not limited to, whether the development is vested for density, concurrency, and building permit allocation;
  - d) the applicability of existing and future County land development regulations;
  - e) verification that construction timely commences and quarterly reporting requirements to ensure that the development is continuing in good faith; and
  - f) such other limitations and conditions necessary to assure compliance with the Comprehensive Plan.

**Policy 101.18.2**

1. Property owners shall have one (1) year from the effective date of the Comprehensive Plan to apply for a determination of vested rights.
2. A determination of vested rights shall be based upon one or more valid, unexpired permits or approvals issued by Monroe County prior to the effective date of this Comprehensive Plan. The determination of vested rights shall be limited to the development expressly contemplated by said permits or approvals and to those aspects of development which meet the standards and criteria of subsection 2 of this Policy.
3. The applicant for a vested rights determination shall have the burden of proving that:
  - a) the applicant has reasonably relied upon an official act by the County. For the purposes of a vested rights determination pursuant to this Comprehensive Plan, any of the following may constitute an official act:

- (1) one or more valid, unexpired permits or approvals issued by Monroe County, provided that the zoning or land use designation of property shall not be deemed to constitute a permit or approval for the purpose of a determination of vested rights; or
  - (2) a subdivision plat recorded in the official records of Monroe County which fulfills the criteria established in Section 380.05(18), F.S.; or
  - (3) an unexpired determination of vested rights granted by the County in accordance with Section 9.5-181 through 9.5-184 of the Monroe County Land Development Regulations in effect as of September 15, 1986; or
  - (4) a valid, unexpired building permit issued prior to the effective date of this Comprehensive Plan; and
- b) the applicant acting in good faith, has made such a substantial change of position or has incurred such extensive obligations and expenses that it would be highly inequitable or unjust to affect such rights by requiring the applicant to now conform to the comprehensive plan and land development regulations. Substantial changes of position or expenditures incurred prior to the official County act upon which the vested rights claim is based shall not be considered in making the vested rights determination; and
  - c) that the development has commenced and has continued in good faith without substantial interruption.
4. From and after the effective date of this Comprehensive Plan, landowners with a valid, unexpired Development of Regional Impact approval granted by the County shall be vested, but only with respect to the portion of the Development of Regional Impact expressly covered by such approval.

#### **Policy 101.18.3**

A vested rights determination shall not preclude the County from subjecting the proposed development to County land development regulations in effect on the date of the vested rights determination or adopted subsequent to the vested rights determination unless the development is shown to be vested with regard to the subject matter addressed by a prior development order and the specific requirements pursuant to the procedures and criteria of 101.18.1 and 101.18.2.

#### **Policy 101.18.4**

A vested rights determination shall specify an expiration date by which all building permits necessary for development shall have been issued. The expiration date shall be reasonable and in no event later than the date specified in the original development order.

#### **Policy 101.18.5**

1. It is the policy of Monroe County that neither the provisions of this Comprehensive Plan nor the Land Development Regulations shall deprive a property owner of all reasonable economic use of a parcel of real property which is a lot or parcel of record as of the date of adoption of this Comprehensive Plan. Accordingly, Monroe County shall adopt a beneficial use procedure under which an owner of

real property may apply for relief from the literal application of applicable land use regulations or of this plan when such application would have the effect of denying all economically reasonable use of that property unless such deprivation is shown to be necessary to prevent a nuisance or to protect the health, safety and welfare of its citizens under Florida Law. For the purpose of this policy, all reasonable economic use shall mean the minimum use of the property necessary to avoid a taking within a reasonable period of time as established by current land use case law.

2. The relief to which an owner shall be entitled may be provided through the use of one or a combination of the following:
  - a) granting of a permit for development which shall be deducted from the Permit Allocation System;
  - b) granting of use of transferable development rights (TDRs);
  - c) Government purchase of all or a portion of the lots or parcels upon which all beneficial use is prohibited. This alternative shall be the preferred alternative when beneficial use has been deprived by application of Division 8 of the Land Development Regulations;
  - d) such other relief as the County may deem appropriate and adequate.

The relief granted shall be the minimum necessary to avoid a "taking" of the property under state and federal law.

3. Development approved pursuant to a beneficial use determination shall be consistent with all other objectives and policies of the Comprehensive Plan and Land Development Regulations unless specifically exempted from such requirements in the final beneficial use determination.

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**Objective 101.19**

Monroe County recognizes that there presently exists a significant excess of platted residential subdivision lots relative to the County's carrying capacity based upon hurricane evacuation, traffic circulation, water quality and marine resources, and other level of service standards. The County further recognizes that lot owners who are unaware that they will be subject to the

County's land development regulations may have unrealistic expectations concerning their ability to receive building permits. In order to avoid, to the extent possible, further unrealistic development expectations, Monroe County shall not approve a preliminary or final plat unless development of the plat would meet all of the requirements of Monroe County's land development regulations including, but not limited to, minimum area requirements for a single-family residence. Under no circumstances shall Monroe County approve a plat which creates an unbuildable lot.

**Policy 101.19.1**

The County shall not approve plats for residential use unless a review of the proposed plat shows that the plat will meet all requirements of the comprehensive plan and land development regulations. [9J-5.006(3)(c)1]

**Policy 101.19.2**

Monroe County shall require that, upon approval, all plats include the following notice:

**NOTICE TO LOT PURCHASERS AND ALL OTHER CONCERNED INDIVIDUALS**

Purchase of a platted lot shown hereon confers no right to build any structure on such lot, nor to use the lot for any particular purpose, nor to develop the lot. The development or use of each lot is subject to, and restricted by, the goals, objectives, and policies of the adopted comprehensive plan and land development regulations implementing the plan; therefore, no building permits shall be issued by the County unless the proposed development complies with the comprehensive plan and land development regulations.

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**Objective 101.20**

Monroe County shall address local community needs while balancing the needs of all Monroe County communities. These efforts shall focus on the human crafted environment and shall be undertaken through the Livable CommuniKeys Planning Program.

**Policy 101.20.1**

Monroe County shall develop a series of Community Master Plans. Master Plans will be developed in accordance with the following principles:

1. Each Community Master Plan will contain a framework for future development and redevelopment including the designation of growth boundaries and future acquisition areas for public spaces and environmental conservation;
2. Each Community Master Plan will include an Implementation Strategy composed of action items, an implementation schedule, and a monitoring mechanism to provide accountability to communities;
3. Each Community Master Plan will be consistent with existing Federal and State requirements and overall goals of the 2010 Comprehensive Plan to ensure legal requirements are met. While consistency with the goals of the 2010 Comprehensive Plan is paramount, the 2010 Plan will be updated and amended where appropriate;
4. Each Community Master Plan will be closely coordinated with other community plans and other jurisdictions to ensure development or redevelopment activities will not adversely impact those areas;
5. Each Community Master Plan will include appropriate mechanisms allowing citizens continued oversight and involvement in the implementation of their plans. Through the Community Master Plans, programs for ongoing public involvement, outreach, and education will be developed;
6. Each Community Master Plan will include a Capital Improvements program to provide certainty that the provision of public facilities will be concurrent with future development;
7. Each Community Master Plan will contain an environmental protection element to maintain existing high levels of environmental protection as required in the 2010 Comprehensive Plan;
8. Each Community Master Plan will include a community character element that will address the protection and enhancement of existing residential areas and the preservation of community character through site and building guidelines. Design guidelines for public spaces, landscaping, streetscaping, buildings, parking lots, and other areas will be developed through collaborative efforts of citizens, the Planning Department, and design professionals reinforcing the character of the local community context;
9. Each Community Master will include an economic development element addressing current and potential diversified economic development strategies including tourism management. The preservation and retention of valued local businesses, existing economies, and the development of economic alternatives will be encouraged through the process;
10. Each Community Master Plan will contain a Transportation Element addressing

transportation needs and possibilities including circulation, safe and convenient access to goods and services, and transportation alternatives that will be consistent with the overall integrity of the transportation system not resulting in negative consequences for other communities; and

11. Each Community Master Plan will be based on knowledge of existing conditions in each community. The Planning Department will compile existing reports, databases, maps, field data, and information from other sources supplemented by community input to document current conditions; and
12. Each Community Master Plan will simplify the planning process providing clarity and certainty for citizens, developers, and local officials by providing a transparent framework for a continuing open dialogue with different participants involved in planning issues.

#### **Policy 101.20.2**

The Community Master Plans shall be incorporated into the 2010 Comprehensive Plan as a part of the plan and be implemented as part of the Comprehensive Plan. The following Community Master Plans have been completed in accordance with the principals outlined in this section and adopted by the Board of County Commissioners:

6. Master Plan for Future Development of Big Pine Key and No Name Key, dated August 2004 and adopted by the Board of County Commissioners on August 18, 2004 is incorporated by reference into the 2010 Comprehensive Plan. The term Strategies in the Master Plan is equivalent to the term Objectives in the Comprehensive Plan and the term Action Item is equivalent to the term Policy; the meanings and requirements for implementation are synonymous.
2. The Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 dated February 11, 2005 and adopted by the Board of County Commissioners on February 16, 2005 is incorporated by reference into the 2010 Comprehensive Plan. The term Strategies in the Master Plan is equivalent to the term Objective in the Comprehensive Plan and the term Action Item is equivalent to the term Policy; the meanings and requirements for implementation are synonymous.

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**GOAL 102**

Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. [9J-5.006(3)(a)]

**Objective 102.1**

Upon adoption of the Comprehensive Plan, Monroe County shall require new development to comply with environmental standards and environmental design criteria which will protect disturbed wetlands, native upland vegetation and beach/berm areas. [9J-5.006(3)(b)1 and 4]

**Policy 102.1.1**

The County shall protect submerged lands and wetlands. The open space requirement shall be one hundred (100) percent of the following types of wetlands:

1. submerged lands
2. mangroves
3. salt ponds
4. fresh water wetlands
5. fresh water ponds
6. undisturbed salt marsh and buttonwood wetlands

Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and undisturbed salt marsh and buttonwood wetlands only for use as transferable development rights away from these habitats. Submerged lands, salt ponds, freshwater ponds, and mangroves shall not be assigned any density or intensity. [9J-5.006(3) (c) 1 and 6]

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**Objective 102.2**

Upon adoption of the Comprehensive Plan, Monroe County shall adopt revisions to the Environmental Standards (Section 9.5-335) and Environmental Design Criteria (Section 9.5-345) of the Land Development Regulations. These revisions will require new development to further protect disturbed wetlands, native upland vegetation and beach/berm areas. [9J-5.006(3)(b)1 and 4]

**Policy 102.2.1**

Monroe County shall adopt revised environmental standards and environmental design criteria as indicated in Conservation and Coastal Management Policy 204.2.6. These revised standards and criteria will eliminate the net loss of disturbed wetlands. Where possible, on-site mitigation shall be required in order to offset any loss of disturbed wetlands by requiring revegetation of an area equal or greater in size than the area proposed for fill. If on-site mitigation is not possible, restoration fees shall be paid pursuant to a wetlands restoration fund. [9J-5.006(3)(c)1 and 6; also see Policy 204.3.1 and 204.3.4]

**Policy 102.2.2**

Monroe County shall adopt revised environmental standards and environmental design criteria as indicated in policies adopted pursuant to Conservation and Coastal Management Objective 205.2. These revised standards and criteria will protect native upland vegetation and promote restoration of habitat values of native upland communities, including hardwood hammocks and pinelands. [9J-5.006(3)(c)6]

**Policy 102.2.3**

Monroe County shall adopt revised environmental standards and environmental design criteria as indicated in policies adopted pursuant to Conservation and Coastal Management Objective 206.1. These revised standards and criteria will protect beach/berm resources. They will address permitted uses, siting of structures, disturbances, removal of invasive vegetation, and restoration of native vegetation in beach/berm areas. [9J-5.006(3)(c)1 and 6]

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**Objective 102.3**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which will direct new development to areas having appropriate topography and soil conditions and to where site disturbance and man's activities will have fewer adverse effects on natural vegetation, terrestrial wildlife, natural landforms and marine resources. [9J-5.006(3)(b)1 and 4]

**Policy 102.3.1**

The Permit Allocation System (See Future Land Use Objectives 101.2 through 101.4 and related policies) shall have the following environmental protection goals:

1. to reduce the exposure of residents to natural hazards;
2. to reduce disturbances to natural vegetation resource areas;
3. to reduce disturbances to terrestrial wildlife resources areas;
4. to reduce impacts of new development on nearshore waters;
5. to protect environmentally sensitive lands appropriate for conservation and resource protection;
6. to encourage infill development where existing lands are already substantially developed, served by complete infrastructure facilities and within close proximity to established commercial areas and have few sensitive or significant environmental features;
7. to ensure that the ecological integrity of natural areas is protected when land is developed; and
8. to reduce adverse impacts on endangered and threatened species.

Accordingly, the Point System, which shall be used as the basis for the annual allocation of permits, shall assign negative and/or positive points to development applications that help to achieve the above environmental protection goals. (See Future Land Use Objective 101.5 and related policies for a list of positive and negative factors to be included in the Permit Allocation System.) [9J-5.006(3)(c)1 and 6]

**Policy 102.3.2**

Monroe County shall require development clustering so as to avoid impacts on sensitive habitats and to provide for the preservation of all required open space in a contiguous, non-fragmented condition by requiring the following:

1. when a parcel proposed for development contains more than one (1) habitat type, all development shall be clustered on the least sensitive portion(s) of the parcel (as is currently required); and
2. development permitted on the least sensitive portion(s) of a parcel shall be clustered within that portion(s) of the parcel. (See Conservation and Coastal Management Policy 205.2.3). [9J-5.013(2)(c)3]

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#### **Objective 102.4**

Monroe County in cooperation with the state and other acquisition agencies shall prepare a Land Acquisition Master Plan by July 1, 2005 containing a strategy for securing funding, and a determination of those sources considered appropriate for acquisition and management of conservation lands, retirement of development rights and identification and purchase of sites for affordable and employee housing and recreational purposes. Acquisition priorities should be consistent with the tiered system adopted by this plan and as required by the State Work Program in Policy 101.2.13 in order to identify lands appropriate for voluntary purchase consistent with the comprehensive plan policies. [9J-5.006(3)(b)4, 10 and 9J-5.010(2)(c)3]

#### **Policy 102.4.1**

The Monroe County Land Acquisition Master Plan shall be developed and implemented by the Growth Management Division, in cooperation with the Monroe County Land Authority, FDEP, FDCA, FWC, USFWS and other responsible federal and state agencies. [9J-5.006(3)(c)4 and 6]

#### **Policy 102.4.2**

The Land Authority and the Growth Management Division shall identify the types of lands which shall be considered for acquisition. These shall include, at a minimum:

1. designated Tier I (Natural Areas) lands as defined in Policy 105.2.1.1, which shall include all contiguous hammock or pineland areas above four acres in area;
2. restoration areas between fragmented hammocks to increase the contiguous hammock size and buffers where appropriate and lands containing naturally occurring and native habitats;
3. fresh water wetlands, and undisturbed salt marsh, and buttonwood wetlands that are required open space under Policy 102.1.1;
4. patches of upland native vegetation of one acre or greater in area in Tier III, designated as Special Protection Areas, that provide habitat for small birds and animals and contribute to the quality of the neighborhoods;
5. lands containing unique geologic features;
6. lands whose conservation would enhance or protect water quality or would protect fish or wildlife habitat, which cannot be adequately protected through local, state and federal regulatory programs;
7. lands in Tier III for employee and affordable housing that do not involve the clearing of any upland native vegetation contained within a patch of one acre or greater;
8. lands which can be used, without adverse impacts on natural resources, for community and neighborhood parks and/or public beaches water access;;
9. **lands which offer the opportunity for preservation of significant archaeological or historical sites;** and
10. lands with habitat value on Big Pine Key and No Name Key to meet mitigation requirements of the Big Pine Key and No Name Key Habitat Conservation Plan [9J-5.0006(3)(c)4 and 6]

**Policy 102.4.3**

The Land Authority and Growth Management Division shall develop a priority list of acquisition sites. This list shall be updated annually with public input. In formulating this list, the County shall prioritize Tier I lands over Tier II (Big Pine Key and No Name Key) and Tier III lands. Outside the boundaries of Tier I, land with fragmented hammocks or pinelands of greater than one-acre in area and wetlands identified in Policy 102.4.2, 2 shall be the second highest priority for acquisition. Acquisition of land for affordable housing in Tier III that does not involve any clearing within an upland tropical hammock or pineland of one acre or greater in area shall also be a top priority. [9J-5.006(3)(c)4 and 6]

**Policy 102.4.4**

The Monroe County Land Acquisition Master Plan shall contain an acquisition financing plan which identifies sources of funding for acquisition of lands on the Priority List. Land acquisition will be a coordinated effort between the state and federal governments and the County. The County shall petition the state and federal government to accept primary responsibility for acquisition of Tier I, conservation and natural lands. The County shall be responsible for purchases in Tier II (Big Pine Key and No Name Key) and in Tier III of wetlands and fragmented hammock or pineland areas of one-acre or greater. Land acquisition for other priorities depends upon funding availability, need and future use. [9J-5.006(3)(c)4 and 6]

**Policy 102.4.5**

An intergovernmental organization and management structure shall be developed to implement the expanded acquisition program, including representatives of the Growth Management Division, Land Authority, municipalities and state and federal agencies. [9J-5.006(3)(c)4 and 6]

**Policy 102.4.6**

The Monroe County Land Acquisition Master Plan shall contain policies to direct the overall acquisition program, criteria to follow when setting priorities for acquisition and a framework for the acquisition process and the sharing of responsibilities. At a minimum the plan shall include the following:

1. Environmental protection, density reduction and passive recreation:
  - a) public acquisition, ownership and maintenance will be the preferred option for Tier I lands and for clusters of undisturbed wetland and tropical hardwood hammock, or pineland patches of one acre or greater in size in Tier II (Big Pine and No Name Key) and Tier III;
  - b) buy/sell back to the adjacent property owner's option will be followed in Tier II, where sprawl and density reduction and mitigation requirements of the Habitat Conservation Plan for Big Pine Key and No Name Key are the prime impetus for land purchase. A higher priority for acquisition will be given to those parcels in Tier II (Big Pine and No Name Key) with neighboring properties owners or communities who want to partner with the county to purchase the lots and take responsibility for maintenance and protection of any areas of native vegetation;
  - c) purchased lands that can also provide needed recreational opportunities will be identified in coordination with the Parks and Recreation Board and a plan for utilization developed;
  - d) non-purchase options will also be explored and specific recommendations included;
  - e) criteria for the ranking of land acquisitions within the different priority areas will include 1) the size and the location of the property and surrounding land uses including management status, 2) minimization of the edge to



area ratio of parcels by combining lots for acquisition, 3) potential for successful reclamation if within a larger, better hammock quality area, and 4) maintenance costs for isolated parcels.

2. Affordable and employee housing:
  - a) parcels in Tier III suitable for the development or redevelopment of six or more residential units will be identified and prioritized for acquisition;
  - b) priority for acquisition will be given to projects that are ready to proceed with ROGO allocations available;
  - c) public/private/non-profit partnerships and/or agreements will be utilized to develop the site and maintain the affordability of residential units in perpetuity.

#### **Policy 102.4.7**

Lands acquired through the Monroe County Land Acquisition Program shall be managed to restore, preserve, and protect the conservation, recreation, density reduction and affordability purposes for which the lands were acquired. (See Recreation and Open Space Objective 1201.11 and related policies.) [9J-5.006(3)(c)4 and 6]

### **Objective 102.5**

Monroe County shall develop and implement a water quality protection program. This program shall address existing sources of water pollution in nearshore waters of the Florida Keys. It shall be undertaken in cooperation with EPA, DER, SFWMD, and NOAA, and shall be part of the Florida Keys National Marine Sanctuary. [9J-5.006(3)(b)4]

#### **Policy 102.5.1**

Monroe County shall develop and implement permitting, inspection, and enforcement procedures designed to reduce pollutant discharges into ground and surface waters from:

1. on-site disposal systems (by January 4, 1998) (See Sanitary Sewer Goal 901 and related objectives and policies);
2. secondary sewage treatment plants and injection wells (by January 4, 1998) (See Sanitary Sewer Goal 901 and related objectives and policies);
3. moored/anchored vessels (liveaboards) in near-shore waters (by January 4, 1998) (See Conservation and Coastal Management Objective 202.4 and related policies);
4. marinas and fueling facilities (by January 4, 1998) (See Conservation and Coastal Management Element Objective 202.5 and related policies); and
5. stormwater runoff (by January 4, 1997) (See Drainage Goal 1001 and related objectives and policies). [9J-5.006(3)(c)4 and 6]

#### **Policy 102.5.2**

By January 4, 1997, Monroe County shall take actions to support and promote enforcement of wastewater discharge permits for seafood processing facilities and other industrial dischargers. (See Conservation and Coastal Management Objectives 202.5 and 202.6.) [9J-5.006(3)(c)4 and 6]

#### **Policy 102.5.3**

By January 4, 1998, Monroe County shall develop and implement a boating impacts management program designed to reduce adverse impacts on water quality and living

marine resources associated with recreational boating. (See Conservation and Coastal Management Objective 203.6 and related policies.) [9J-5.006(3)(c)4 and 6]

**Policy 102.5.4**

By January 4, 1997, Monroe County shall adopt revisions to the Monroe County Land Development Regulations which will implement county policies controlling pollutant discharges into surface waters from dredge and fill activities. (See Conservation and Coastal Management Objective 202.8 and related policies.) [9J-5.006(3)(c)4 and 6]

**Policy 102.5.5**

By January 4, 1997, Monroe County shall develop and implement a soil erosion and sedimentation control program. This program shall be designed to reduce pollutant discharges into surface waters due to soil erosion and sedimentation. (See Conservation and Coastal Management Objective 202.10 and related policies.) [9J-5.006(3)(c)4 and 6]

**Policy 102.5.6**

By January 4, 1998, Monroe County shall take actions to promote mosquito control techniques which will reduce the entry of pollutants from aerial pesticide applications into ground and surface waters in concert with ongoing efforts of EPA and the Florida Keys National Marine Sanctuary. (See Conservation and Coastal Management Objective 202.11 and related policies.) [9J-5.006(3)(c)4 and 6]

**Policy 102.5.7**

Monroe County shall support and encourage efforts by DER and HRS to continue to undertake activities designed to reduce pollutant discharges into ground and surface waters from aboveground and underground fuel storage tanks. (See Conservation and Coastal Management Objective 202.12 and related policies.) [9J-5.006(3)(c)4 and 6]

**Policy 102.5.8**

By January 4, 1998, Monroe County shall undertake activities which support existing state and federal laws pertaining to the handling, transportation and disposal of hazardous wastes. (See Solid Waste Objective 801.5 and related policies.) [9J-5.006(3)(c)4 and 6]

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**Objective 102.6**

Development of the mainland area of Monroe County shall be controlled so as to reduce public expenditures and to preserve the wilderness state of the area, as defined under the Wilderness Act. [9J-5.006(3)(b)4]

**Policy 102.6.1**

Monroe County hereby incorporates by reference the existing management plans for Everglades National Park and Big Cypress National Preserve (U.S. Department of the Interior, National Park Service, 1989). [9J-5.006(3)(c)6]

**Policy 102.6.2**

By January 4, 1997, Monroe County shall adopt Land Development Regulations pertaining to the Mainland Native Area District which:

1. prohibit construction of any roads or canals in mainland Monroe County that would permit new access into the mainland wilderness area or would alter the natural flow regimes of the Everglades or Big Cypress Swamp; and
2. prohibit development that would introduce human activities or habitations into the undisturbed portions of Everglades National Park or Big Cypress Swamp National Preserve. [9J-5.006(3)(c)6]

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**Objective 102.7**

Monroe County shall regulate land use activities on the islands in the surrounding waters of Florida Bay and Hawk Channel within the legal boundaries of Monroe County. [9J-5.012(3)(b)1 and 4; 9J-5.006(3)(b)4]

**Policy 102.7.1**

By January 4, 1998, Monroe County shall expand its Geographic Information System to include the following:

1. offshore islands in the Upper, Middle and Lower Keys (in public and private ownership);
2. upland and wetland vegetation data for offshore islands in private ownership;
3. land use data for offshore islands in private ownership; and
4. public facilities and services.

Data shall be obtained using digital information made available to Monroe County through the Florida Advance Identification of Wetlands (ADID) Program and from the Florida Keys National Marine Sanctuary Management Plan program. [9J-5.006(3)(c)6]

**Policy 102.7.2**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which will further restrict the activities permitted on offshore islands. These shall include the following:

1. development shall be prohibited on offshore islands (including spoil islands) which have been documented as an established bird rookery or nesting area (See Conservation and Coastal Management Policy 207.1.3.);
2. campgrounds and marinas shall not be permitted on offshore islands;
3. new mining pits shall be prohibited on offshore islands;
4. permitted uses by-right on islands (which are not bird rookeries) shall include detached residential dwellings, camping (for the personal use of the owner of the property on a temporary basis), beekeeping, accessory uses, and home occupations (subject to a special use permit requiring a public hearing);
5. temporary primitive camping by the owner, in which no land clearing or other alteration of the island occurs, shall be the only use of an offshore island which may occur without necessity of a permit;
6. the use of any motorized vehicles including, but not limited to, trucks, carts, buses, motorcycles, all-terrain vehicles and golf carts shall be prohibited on existing undeveloped offshore islands;
7. planting with native vegetation shall be encouraged whenever possible on spoil islands; and
8. public facilities and services shall not be extended to offshore islands. [9J-5.006(3)(c)6]

**Policy 102.7.3**

Monroe County shall discourage developments proposed on offshore islands by methods including, but not limited to, designated offshore islands as Tier I Lands [9J-5.006(3)(c)6]

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**Objective 102.8**

Monroe County shall take actions to discourage private development in areas designated as units of the Coastal Barrier Resources System. [9J-5.006(3)(b)4]

**Policy 102.8.1**

Monroe County shall discourage developments which are proposed in units of Coastal Barrier Resources System (CBRS) [9J-5.006(3)(c)6]

**Policy 102.8.2**

Upon adoption of the Comprehensive Plan, Monroe County shall not create new access via new bridges, new causeways, new paved roads or new commercial marinas to or on units of the Coastal Barrier Resources System (CBRS). [9J-5.005(3)(c)6]

**Policy 102.8.3**

By January 4, 1997, shoreline hardening structures, including seawalls, bulkheads, groins, rip-rap, etc., shall not be permitted along shorelines of CBRS units. [9J-5.006(3)(c)6]

**Policy 102.8.4**

By January 4, 1998, privately-owned undeveloped land located within the CBRS units shall be considered for acquisition by Monroe County for conservation purposes through the Monroe County Natural Heritage and Park Program. [9J-5.006(3)(c)6]

**Policy 102.8.5**

Monroe County shall efforts to discourage the extension of facilities and services provided by the Florida Keys Aqueduct Authority and private providers of electricity and telephone service to CBRS units. These efforts shall include providing each of the utility providers with:

1. a map of the areas of Monroe County which are included in CBRS units;
2. a copy of the Executive Summary in Report to Congress: Coastal Barrier Resources System published by the U.S. Department of the Interior, Coastal Barriers Study Group, which specifies restrictions to federally subsidized development in CBRS units;
3. Monroe County policies regarding local efforts to discourage both private and public investment in CBRS units [9J-5.006(3)(c)6]

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**Objective 102.9**

In cooperation with other responsible state and federal agencies, Monroe County shall complete and implement a cooperative land management program for publicly owned lands acquired through implementation of the Monroe County Land Acquisition Master Plan (Objective 102.2), Goal 105 and the Florida Keys Carrying Capacity Study.

**Policy 102.9.1**

Monroe County shall discourage developments which are proposed in Tier I through the permit allocation system and the environmental regulations. [9J-5.006(3)(c)6]

**Policy 102.9.2**

Monroe County, in cooperation with appropriate state and/or federal agencies, shall initiate a planning process to develop policies to direct the over-all management program for publicly owned native lands. Changes in policies and specific management strategies may be modified as the program progresses, acquisitions continue and new information becomes available through biological research or monitoring of the management units. [9J-5.006(3)(c)3]

**Policy 102.9.3**

In cooperation with other responsible state and federal agencies, Monroe County shall develop organization and management plans to initiate a program for protection, restoration and management of acquired lands. Management objectives for specific management units will be developed in concert with state, federal and municipal land management programs responsible for adjoining lands.

**Policy 102.9.4**

Management plans shall be reviewed every three years, in cooperation with the appropriate state and/or federal agencies. Revisions to each management plan shall be made as necessary to reflect recent land acquisitions and changing management priorities. [9J-5.006(3)(c)6]

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## **GOAL 103**

Monroe County shall implement regulations and programs to address the special environmental protection and/or traffic circulation needs of those areas of Big Pine Key, North Key Largo, Holiday Isles and Ohio Key formerly described as the Areas of Critical County Concern (ACCC) in the 1986 version of the Comprehensive Plan and Land Development Regulations. The Goals, Objective and Policies of this Plan will replace the Focal Point Plans. [9J-5.006(3)(b)1 and 4]

### **Objective 103.1**

Monroe County shall regulate future development and coordinate the provision of public facilities on Big Pine Key and No Name Key, consistent with the Goals, Objectives, and Policies of this Comprehensive Plan, the Livable CommuniKeys Master Plan and the Habitat Conservation Plan, for Big Pine Key and No Name Key in order to:

- (a) protect the Key deer (Odocoileus virginianus clavium);
- (b) preserve and enhance the habitat of the Key deer;
- (c) limit the number of additional vehicular trips from other islands to Big Pine Key;
- (d) maintain the rural, suburban, and open space character of Big Pine Key; and
- (e) prevent and reduce adverse secondary and cumulative impacts on Key Deer.  
[9J-5.006(3)(b)1 and 4]

### **Policy 103.1.3**

Monroe County shall identify Key deer habitat areas as priority acquisition sites for conservation purposes. Emphasis shall be placed upon acquisition of movement corridors, sources of fresh water, and undisturbed native vegetation areas which are located within Improved Subdivisions and which are outside of the acquisition areas identified by the FWS (for the National Key Deer Refuge), DNR (for the Coupon Bight CARL Project), and SFWMD (for the Big Pine Key Save Our Rivers project). Acquisition shall be considered through the Monroe County Natural Heritage and Park Program. (See Objective 102.4 and related policies.) [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

### **Policy 103.1.4**

Monroe County shall support, wherever possible, the efforts of federal agencies, state agencies, and private non-profit conservation organizations, to acquire land for conservation purposes within habitat areas of the Key deer. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

### **Policy 103.1.5**

Special measures shall be implemented to protect the quantity and quality of groundwater recharge to the freshwater lenses. Commercial use of the freshwater lens shall be discouraged. (See Natural Groundwater Aquifer Recharge Element Objective 1101.3 and related policies.) 9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6). By September 30, 1998, Monroe County and the South Florida Water Management District shall document the extent and quality of the fresh groundwater lens system on Big Pine Key. Associated recharge areas shall also be delineated. The County and the South Florida Water Management District shall cooperatively determine the safe yield of the system; estimate impacts of existing and potential future withdrawals on the lens system and other natural resources including wetlands, and Key deer habitat and populations; and as necessary, develop measures, such as amendments to District water use permitting criteria, and Monroe County land development regulations to protect the system. The U.S. Fish and Wildlife Service shall participate in this effort as necessary.



**Policy 103.1.6**

Monroe County shall monitor FKAA compliance with federal regulations prohibiting potable water hookups to designated habitat areas of the Key deer (pursuant to FKAA Rules Chapter 48-7). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 103.1.13**

Monroe County, in conjunction with the FWS, shall implement activities to prohibit the destruction of the federally-designated endangered Key deer and to protect its habitat by addressing:

1. enforcement of animal control laws;
2. incorporation of management guidelines into development orders;
3. construction of fences;
4. roadside management techniques;
5. feeding laws;
6. speed limit enforcement;
7. removal of invasive plants;
8. distribution of management guidelines to private landowners;
9. attainment of Key deer management objectives; and (See Conservation and Coastal Management Objective 207.7 and supporting policies.) [9J-5.012(3)(b)1; 9J-5.013(2)(b)6]
10. secondary and cumulative impacts by, among other things, adopting and implementing appropriate land development regulations.

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### **Objective 103.2**

Monroe County, in coordination with the FWS, shall regulate future development and coordinate the provision of public facilities in North Key Largo consistent with the Goals, Objectives and Policies of this Comprehensive Plan in order to maintain the rural and open space character of North Key Largo, as well as to preserve and enhance the habitat of four (4) species of animals listed as endangered under the Endangered Species Act, including the American crocodile (*Crocodylus acutus*), the Key Largo wood rat (*Neotoma floridana smalli*), the Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*), and the Schaus swallowtail butterfly (*Heraclides aristodemus ponceanus*). North Key Largo is defined as that portion of Key Largo Located between the junction of State Road 905 and U.S. Highway 1 and the Dade County boundary at Angelfish Creek. [9J-5.006(3)(b)1 and 4]

#### **Policy 103.2.1**

Monroe County shall implement methods including, but not limited to, designating known habitat of the Schaus swallowtail butterfly as Tier I. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

#### **Policy 103.2.3**

By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations pertaining to development siting and clustering so as to avoid impacts on sensitive habitats and to provide for the retention of contiguous open space by requiring the following:

1. when a parcel proposed for development contains more than one (1) habitat type, all development shall be clustered on the least sensitive portion(s) of the parcel (as is currently required); and
2. development permitted on the least sensitive portion(s) of a parcel shall be clustered within that portion(s) of the parcel. (See Conservation and Coastal Management Policy 205.2.3.) [9J-5.013(2)(c)3]

#### **Policy 103.2.4**

Upon adoption of the Comprehensive Plan, Monroe County shall require that the following analyses be undertaken prior to finalizing plans for the siting of any new public facilities or the significant expansion (greater than 25 percent) of existing public facilities:

1. assessment of needs
2. evaluation of alternative sites and design alternatives for the selected sites; and
3. assessment of impacts on surrounding land uses and natural resources.

The assessment of impacts on surrounding land uses and natural resources will evaluate the extent to which the proposed public facility involves public expenditures in the coastal high hazard area and within environmentally sensitive areas, including disturbed salt marsh and buttonwood wetlands, undisturbed beach/berm areas, units of the Coastal Barrier Resources System, undisturbed uplands (particularly high quality hammocks and pinelands), habitats of species considered to be threatened or endangered by the state and/or federal governments, offshore islands, and Conservation Land Protection Areas.

Monroe County shall require that public facilities be developed on the least environmentally sensitive lands and shall prohibit the location of public facilities on North Key Largo, unless no feasible alternative exists and such facilities are required to protect the public health, safety, or welfare.

**Policy 103.2.5**

Monroe County shall monitor FCAA compliance with federal regulations prohibiting potable water hookups to designated habitat areas of the American crocodile, the Key Largo wood rat, the Key Largo cotton mouse, and the Schaus swallowtail butterfly (pursuant to FCAA Rules Chapter 48-7). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 103.2.6**

Monroe County shall implement activities to protect the habitat and prohibit the destruction of the:

1. American crocodile (See Conservation and Coastal Management Objective 207.8 and supporting policies);
2. Schaus swallowtail butterfly (See Conservation and Coastal Management Objective 207.10 and related policies); and
3. the Key Largo wood rat and the Key Largo cotton mouse (See Conservation and Coastal Management Objective 207.12 and related policies.) 9J-5.012(3)(b)1; 9J-5.013(2)(b)6]

**Policy 103.2.7**

Monroe County shall identify native upland habitats used by the Schaus swallowtail butterfly and the Key Largo wood rat and the Key Largo cotton mouse as priority acquisition sites for conservation purposes. Emphasis shall be placed upon acquisition of native upland sites which are located within Improved Subdivisions and which are outside of the acquisition areas identified by the FWS (for the Crocodile Lake National Wildlife Refuge), and DNR (for the Key Largo Hammock CARL Project).

Acquisition shall be considered through the Monroe County Natural Heritage and Park Program. (See Objective 102.4 and related policies.) [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 103.2.8**

By January 4, 1998, Monroe County shall complete and implement a cooperative land management program for private and county-owned lands located within and adjacent to state and federal government-owned parks and conservation lands which are within or affected by land uses in North Key Largo, including:

1. Crocodile Lake National Wildlife Refuge;
2. John Pennekamp Coral Reef State Park;
3. North Key Largo Hammock State Botanical Site and CARL Project; and
4. Biscayne Bay - Card Sound State Aquatic Preserve. (See Objective 102.9 and related policies.) [9J-5.006(3)(b)4]

**Policy 103.2.9**

Monroe County shall support, wherever possible, the efforts of federal agencies, state agencies, and private non-profit conservation organizations, to acquire land for conservation purposes within North Key Largo. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 103.2.10**

Monroe County shall take immediate actions to discourage private development in areas designated as units of the Coastal Barrier Resources System. (See Objective 102.8 and related policies.) [9J-5.006(3)(b)4]

**Policy 103.2.11**

Prior to issuing a building permit or development approval, Monroe County shall require an archaeological/historical review of the proposed development site, performed by a qualified professional familiar with Monroe County. The review will identify the potential development impacts on any resources present, and will recommend mitigation measures, if any.

**Policy 103.2.12**

Prior to issuing a building permit or development approval, Monroe County shall require that the Monroe County Biologist visit the site of all development approval and building permit applications within North Key Largo to assess the need for any federal or state permits.

**Policy 103.2.13**

Prior to issuing a building permit or development approval, Monroe County shall require all applicants to obtain all federal and state permits, including, but not limited to, required permits pertaining to endangered species as required by the U.S. Fish and Wildlife Service and the Florida Game and Fresh Water Fish Commission.

**Policy 103.2.14**

Monroe County, in conjunction with the FWS, shall implement activities to prohibit the destruction of the federally-designated threatened and endangered species and to protect its habitat by addressing:

1. enforcement of animal control laws;
2. construction of fences;
3. roadside management techniques;
4. feeding laws;
5. speed limit enforcement;
6. removal of invasive plants;
7. distribution of management guidelines to private landowners; and
8. attainment of endangered species management objectives.

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**Objective 103.3**

Monroe County shall coordinate future development on Ohio Key to protect the habitat value and environmental sensitivity of the wetland system on that Key that serves as habitat for a variety of wading birds, including the piping plover (*Charadrius melodus*), a species listed as threatened under the Endangered Species Act.

**Policy 103.3.1**

The piping plover wintering grounds, which consist of the all of the Atlantic-side portion of Ohio Key south of US 1, shall be subject to the prohibition on new or expanded hotel or motel development, including recreation vehicle spaces and campsites, until December 31, 2001, as specified in Policy 101.2.6. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 103.3.2**

Monroe County shall support the FWS with its planned acquisition of the piping plover wintering grounds on Ohio Key. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 103.3.3**

Upon adoption of the Comprehensive Plan, Monroe County shall implement methods including, but not limited to, the Permit Allocation and Point System in order to discourage developments which may adversely impact activities of the piping plover on their wintering grounds (measures of adverse impact to be established by the Monroe County Biologist). (See Policy 101.5.4) [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

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**Objective 103.4**

By January 4, 1997, the Land Development Regulations will be revised to address the issues in the focal point plans for all four ACCC designations as stipulated in Objectives 103.1 to 103.3 and related policies.

**Policy 103.4.1**

By January 4, 1997, the Land Development Regulations will be revised to eliminate the ACCC designations from Holiday Isle, Big Pine Key, North Key Largo, and Ohio Key.

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**GOAL 104**

Monroe County shall recognize, designate, protect, and preserve its historic resources. [9J-5.006(3)(a)]

**Objective 104.1**

Monroe County shall establish and maintain a comprehensive inventory of historic and archaeological resources, including buildings, structures, districts, sites, objects, and significant places. [9J-5.006(3)(b)4]

**Policy 104.1.1**

By January 4 1998, the Monroe County Growth Management Division shall establish an inventory of all known historic and archaeological resources using information provided by the Florida Master Site File and the Archaeological and Historical Conservancy surveys of the Florida Keys. [9J-5.006(3)(c)8]

**Policy 104.1.2**

Monroe County Growth Management Division shall update the inventory of historic and archaeological resources on an annual basis as new historic and archaeological resources are identified. [9J-5.006(3)(c)8]

**Policy 104.1.3**

By January 4, 1998, Monroe County shall complete a comprehensive historic architectural survey to inventory and document historic architectural resources. This survey shall also identify historic housing and define the bounds of any potential historic districts such as those preliminary identified on Conch Key, in Islamorada, and in Marathon. [9J-5.006(3)(c)8]

**Policy 104.1.4**

By January 4, 1998, the Monroe County Growth Management Division, working with local historic preservation organizations, shall complete and submit Master Site File forms to the State Department of Historic Resources for any historic resources, particularly architectural resources, which are not currently included in the Florida Master Site File. [9J-5.006(3)(c)8]

**Policy 104.1.5**

By January 4, 1998, the Monroe County Growth Management Division shall develop a computerized inventory system for compiling, updating and accessing information pertaining to historic resources. The computerized data base shall include descriptive information provided by the Florida Master Site File and any National Register or Florida Keys Historic Register designations. Included as part of this proposed system shall be an interface with the County's Geographic Information System to provide mapped locations of sites listed on the National Register or Florida Keys Historic Register (See Objective 104.2 and related policies). [9J-5.006(3)(c)8]

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**Objective 104.2**

Monroe County shall formally recognize significant historic and archaeological resources by nominating appropriate resources on the National Register and/or the Florida Keys Historic Register. [9J-5.006(3)(b)4]

**Policy 104.2.1**

Monroe County shall revise the Land Development Regulations to expand and refine the program and procedures for protection of local historical, archaeological and cultural resources. At a minimum, the Land Development Regulations should be expanded to:

1. establish a Florida Keys Historic Register to which landmarks of local significance are named;
2. establish a review committee and provide for an historic/archaeological review within the development review process;
3. list the criteria and procedure for selecting a review committee;
4. specify the development review procedure;
5. specify designation criteria for sites and structures of historical, architectural, archaeological, and cultural significance;
6. include procedures for designation of local historic districts;
7. describe the consequences of local designation, such as restrictions on archaeological site disturbance, and on demolition or alteration of historic structures;
8. provide procedures for enforcement;
9. specify the penalties and/or mitigation measures for non-compliance;
10. provide for the documentation and protection of sites which are not listed as local landmarks but are discovered through the development process or otherwise discovered; and
11. provide incentives for the preservation and protection of local landmarks.

**Policy 104.2.2**

By January 4, 1998, Monroe County Growth Management Division shall prepare documentation to nominate the following resources to the Florida Keys Historic Register of historic places:

1. all resources listed on the National Register of Historic Places which are located in unincorporated Monroe County;
2. archaeological sites identified as worthy of preservation; and
3. Tavernier Historic District. [9J-5.006(3)(c)8]

**Policy 104.2.3**

After revisions to the land development regulations pertaining to the Florida Keys Historic Register are adopted, the County shall contact local historic preservation groups and



encourage them to nominate eligible historic resources to the Florida Keys Historic Register. The Monroe County Growth Management Division shall provide information and technical assistance to individuals and local historic preservation groups who wish to prepare nominations to the Florida Keys Historic Register. [9J-5.006(3)(c)8]

**Policy 104.2.4**

By January 4, 1998 Monroe County shall submit documentation for nominating the following resources to the National Register of Historic Places:

1. old overseas railroad bridges identified in the AHC Architectural Windshield Survey (Thematic Resource nomination);
2. hurricane houses and public buildings (the Islamorada Library and the Tavernier Health Department) constructed as WPA projects in addition to the hurricane memorial in Islamorada; and
3. archaeological sites identified in the AHC 1988 survey as eligible for nomination to the National Register (Individual Historic Site nominations). [9J-5.006(3)(c)8]

**Policy 104.2.5**

Monroe County shall nominate other historic resources to the National Register as those resources are identified. [9J-5.006(3)(c)8]

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**Objective 104.3**

Monroe County shall adopt and implement measures for the protection and preservation of historic resources. [9J-5.006(3)(b)4]

**Policy 104.3.1**

By January 4, 1997, Monroe County shall adopt Land Development Regulations constituting a Historic Preservation Ordinance to provide protection for historic resources listed on the Florida Keys Historic Register. The adopted LDRs shall:

1. establish a historic/archaeological review board to review development proposals which impact designated historic resources;
  2. list the qualifications and selection criteria for review board members;
  3. specify the criteria for local designation of historic resources guided by the criteria for designation to the National Register;
  4. incorporate the procedure for local designation as specified in Article VIII of the Land Development Regulations (See Policy 104.2.1);
  5. specify the restrictions on archaeological sites resulting from local designation. Establish standards to address the siting and design of proposed developments to minimize impacts on archaeological resources, and the proper documentation and recording of the site including retrieving of artifacts;
  6. specify the restrictions on the demolition and alteration of historic structures resulting from local designation. Establish standards to evaluate alterations to historic structures which are consistent with the U.S. Department of the Interior's "Standards for Rehabilitation";
  7. specify the restrictions on historic districts resulting from local designation. Establish exterior architectural standards to evaluate development proposals within designated historical districts with the intent of encouraging compatibility with the architectural features of historical significance to the particular district;
  8. establish a procedure for reviewing development and redevelopment proposals which impact designated resources;
  9. specify procedures where development activities uncover unknown archaeological resources;
  10. provide procedures for enforcement and consequences of non-compliance;
  11. provide incentives such as transfer of development rights, tax credits, tax relief, special property tax assessments, building code waivers, building application fee exemptions, zoning variances, and FEMA exemptions to encourage the conservation and rehabilitation of privately-owned historic resources; and
  12. specify permitting and review procedures that reconcile redevelopment of designated historical buildings and sites with their potential non-conforming status.
- [9J-5.006(3)(c)8]

**Policy 104.3.2**

The County shall evaluate the possibility of incorporating effects of proposed developments on historic resources into the Point System established by Land Use Element Objective 101.5 and supporting policies. [9J-5.006(3)(c)8]

**Policy 104.3.3**

The Land Development Regulations adopted pursuant to Policy 104.3.1 shall be drafted to meet the requirements of the Department of the Interior's "Certified Local Government Program" which shall enable Monroe County to qualify for State Historic Preservation Grants-in-Aid. Within six months of adopting Land Development Regulations pursuant to Policy 104.3.1, Monroe County shall submit the historic preservation regulations to the U.S. Department of the Interior and the State Historic Preservation Officer for certification. [9J-5.006(3)(c)8]

**Policy 104.3.4**

Monroe County shall require that architectural guidelines be drafted and approved by Monroe County for each Historic District listed on the Florida Keys Historic Register. These guidelines shall be drafted by the nominating agency, and shall be approved by a qualified historic preservation professional. The guidelines shall be reviewed and approved by Monroe County within one year of acceptance of the District on the Florida Keys Historic Register.

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**Objective 104.4**

Monroe County shall adopt and implement measures for the protection and preservation of historic resources on public lands. [9J-5.006(3)(b)4]

**Policy 104.4.1**

Monroe County shall coordinate with the lessee of Pigeon Key to ensure that the renovation and use of the County-owned island retains the historical and architectural character of the site, and allows a reasonable amount of public access.

**Policy 104.4.2**

Monroe County shall coordinate with county, state and federal agencies to identify, monitor and protect historic resources located on public lands (See Future Land Use Objective 102.9 and related policies). [9J-5.006(3)(c)8]

**Policy 104.4.3**

Development plans on County-owned lands which contain historic resources listed on the Florida Keys Historic Register shall be subject to review by the historic/archaeological review board established pursuant to Policy 104.3.1(a). [9J-5.006(3)(c)8]

**Policy 104.4.4**

Monroe County shall increase its participation in the resource planning of federal and state owned parks, wildlife refuges, military installations and other state or federal properties. Monroe County shall review resource plans, development plans and master plans prepared for these areas, evaluate impacts on historic resources, and submit comments to the appropriate agencies. [9J-5.006(3)(c)8]

**Policy 104.4.5**

Through a lease agreement, Monroe County shall require that the lessee of Pigeon Key or any other County-owned historical or archaeological site designated on the Local or National Register:

1. conform, at a minimum, to the Secretary of the Interior's Standards for Rehabilitation for any permanent or temporary development of the site; and
2. retain the historical, architectural, and/or archaeological integrity of the site, as approved by a professional who meets the appropriate Professional Qualifications specified in the Code of Federal Regulations, Section 61, Number 36. [9J-5.006(3)(c)8]

**Policy 104.4.6**

Before the County may sell Pigeon Key, Monroe County shall develop and adopt architectural guidelines for this National Register Historic District.

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**Objective 104.5**

Monroe County shall seek to increase public awareness and appreciation of the historic resources and historic preservation activities in the County. [9J-5.006(3)(b)4]

**Policy 104.5.1**

Monroe County shall coordinate with the following organizations and individuals to identify opportunities for joint public education and funding efforts :

1. Local preservation groups in unincorporated Monroe County;
2. The Key West historic preservation planner and other historic preservation leaders;
3. Historic Florida Keys Preservation Board;
4. Federal agencies including the National Park Service, U.S. Fish and Wildlife Service, and NOAA;
5. State Agencies including the Florida DNR Division of Parks and Recreation, and State Division of Historic Resources;
6. Florida Trust for Historic Preservation;
7. Monroe County School Board; and
8. Local libraries. [9J-5.006(3)(c)8]

**Policy 104.5.2**

By January 4, 1997, historical and archaeological information produced by or for the County such as the historic inventory, National Register listings, Florida Keys Historic Register listings, archaeological surveys, and historic architectural surveys shall be made available to the public at various locations throughout the County including libraries, schools, senior centers, museums and County offices. [9J-5.006(3)(c)8]

**Policy 104.5.3**

By January 4, 1998, Monroe County and the Historic Florida Keys Preservation Board shall seek funding from the Tourist Development Council to create and implement a historic marker program and a historic map/guide to increase public awareness and appreciation of the County's history and historic resources. [9J-5.006(3)(c)8]

**Policy 104.5.4**

By January 4, 1998, the County and the Historic Florida Keys Preservation Board shall institute a procedure to notify property owners of properties listed or eligible for listing on the Florida Keys Historic Register or National Register and apprise owners of the associated benefits of listing. [9J-5.006(3)(c)8]

**Policy 104.5.5**

Monroe County shall promote public knowledge of local, state and federal programs and incentives designed to assist owners of historic properties. [9J-5.006(3)(c)8]

**Policy 104.5.6**

Monroe County shall identify community leaders with an interest in historic preservation and provide technical assistance for the formation of new citizen-based historic

preservation groups. These groups will aid the County in generating interest and raising funds for local historic preservation activities. Areas which could benefit from a citizen support group include the Pigeon Key Historic District, potential historic districts on Conch Key, in Islamorada and in Marathon. [9J-5.006(3)(c)8]

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**Objective 104.6**

Monroe County shall coordinate with public agencies and non-profit organizations to protect, preserve and increase awareness of historic resources. [9J-5.006(3)(b)4]

**Policy 104.6.1**

Monroe County shall involve local historic preservation groups in the planning process. The County will apprise groups of historic preservation planning efforts, request their comments and solicit their support. [9J-5.006(3)(c)8]

**Policy 104.6.2**

Monroe County shall include archaeological sites identified by local historic preservation groups on the priority list of Natural Heritage and Park acquisition sites. (See Future Land Use Objective 102.4 and related policies.)

**Policy 104.6.3**

Monroe County shall encourage and facilitate acquisition of historic sites suitable for cultural, tourism, recreation or conservation uses by federal, state and local agencies, non-profit historic preservation groups, and non-profit conservation organizations [9J-5.006(3)(c)8]

**Policy 104.6.4**

By January 4, 1998, the County shall identify available public and private funding sources for historic preservation activities and submit proposals for the following projects:

1. Perform emergency repairs and tenting for termites for historic structures on Pigeon Key;
2. Perform structural surveys and begin renovations of significant buildings on Pigeon Key; and
3. Develop architectural guidelines for Tavernier once a local historic district is established. [9J-5.006(3)(c)8]

**Policy 104.6.5**

By January 4, 1998, the County shall submit funding proposals for the following historic preservation projects:

1. Conduct a historic architectural building survey for unincorporated Monroe County which shall identify potential historic districts and historic housing resources;
2. Renovation and preservation of other County-owned historic resources; and
3. Create and implement a program to promote historic resources listed on the Florida Keys Historic Register with historic markers and accompanying map/guide. [9J-5.006(3)(c)8]

**Policy 104.6.6**

By January 4, 1998, the County shall submit funding proposals for the following historic preservation projects:

1. Develop architectural guidelines for any historic districts listed on the Florida Keys Historic Register;

2. Develop a computerized system for the inventory of historic resources including all Florida Master Site File records, local and national register status and GIS location maps.
3. Expand documentation of the Keys history through the collection of written records and recording recollections of remaining early settlers in written, video or audio form; and
4. Complete detailed documentation and research for remaining historic resources which may be eligible for the Local or National Register. [9J-5.006(3)(c)8]

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## **GOAL 105**

Monroe County shall undertake a comprehensive land acquisition program and smart growth initiatives in conjunction with its Livable CommuniKeys Program in a manner that recognizes the finite capacity for new development in the Florida Keys by providing economic and housing opportunities for residents without compromising the biodiversity of the natural environment and the continued ability of the natural and man-made systems to sustain livable communities in the Florida Keys for future generations.

### **Objective 105.1**

Monroe County shall implement smart growth initiatives in conjunction with its Livable CommuniKeys and Land Acquisition Programs which promote innovative and flexible development processes to preserve the natural environment, maintain and enhance the community character and quality of life, redevelop blighted commercial and residential areas, remove barriers to design concepts, reduce sprawl, and direct future growth to appropriate infill areas.

#### **Policy 105.1.1**

Monroe County shall create an economic development framework for a sustainable visitor-based economy, not dependent on growth in the absolute numbers of tourists, that respects the unique character and outdoor recreational opportunities available in the Florida Keys.

#### **Policy 105.1.2**

Monroe County shall prepare design guidelines to ensure that future uses and development are compatible with scenic preservation and maintenance of the character of the casual island village atmosphere of the Florida Keys.

#### **Policy 105.1.3**

Monroe County shall prepare development standards and amend the Land Development Regulations to limit non-residential allocations for new floor space on any one site to foster the retention and redevelopment of small businesses on the US # 1.

#### **Policy 105.1.4**

Monroe County shall prepare redevelopment standards and amend the Land Development Regulations to address the large number of non-conforming commercial structures that are non-compliant as to on-site parking, construction and shoreline setbacks, stormwater management, landscaping and buffers. By identifying the existing character and constraints of the different island communities, regulations can be adopted that provide incentives for redevelopment and permit the continuance of businesses while moving towards an integrated streetscape.

#### **Policy 105.1.5**

Monroe County shall prepare amendments to this Plan and its Land Development Regulations that comprehensively revise the existing residential permit allocation system to direct the preponderance of future residential development to areas designated as an overlay on the zoning map(s) as Infill (Tier III) in accordance with Policy 105.2.2.

#### **Policy 105.1.6**

Monroe County shall prepare amendments to this Plan and its Land Development Regulations that comprehensively revise the existing non-residential permit allocation system in a manner that implements Policies 105.2.1 and 105.2.15 and is consistent with and furthers this Plan.

### **Objective 105.2**

Monroe County shall implement with assistance of the state and federal governments a 20-year Land Acquisition Program to: 1) secure for conservation and passive recreation purposes remaining privately-owned environmentally sensitive lands; 2) retire development rights on privately-owned vacant lands to limit further sprawl and equitably balance the rights of property owners with the long-term sustainability of the Keys man-made and natural systems; and, 3) secure and retain lands suitable for affordable housing. This objective recognizes the finite limits of the carrying capacity of the natural and man-made systems in the Florida Keys to continually accommodate further development and the need for the significant expansion of the public acquisition of vacant developable lands and development rights to equitably balance the rights and expectations of property owners.

#### **Policy 105.2.1**

Monroe County shall designate all lands outside of mainland Monroe County, except for the Ocean Reef planned development, into three general categories for purposes of its Land Acquisition Program and smart growth initiatives in accordance with the criteria in Policy 205.1.1. These three categories are: Natural Area (Tier I); Transition and Sprawl Reduction Area (Tier II) on Big Pine Key and No Name Key only; and Infill Area (Tier III). The purposes, general characteristics, and growth management approaches associated with each tier are as follows:

1. Natural Area (Tier I): Any defined geographic area where all or a significant portion of the land area is characterized as environmentally sensitive by the policies of this Plan and applicable habitat conservation plan, is to be designated as a Natural Area. New development on vacant land is to be severely restricted and privately owned vacant lands are to be acquired or development rights retired for resource conservation and passive recreation purposes. However, this does not preclude provisions of infrastructure for existing development. Within the Natural Area designation are typically found lands within the acquisition boundaries of federal and state resource conservation and park areas, including isolated platted subdivisions; and privately-owned vacant lands with sensitive environmental features outside these acquisition areas.
2. Transition and Sprawl Reduction Area (Tier II): Any defined geographic area on Big Pine Key and No Name Key, where scattered groups and fragments of environmentally sensitive lands, as defined by this Plan, may be found and where existing platted subdivisions are not predominately developed, not served by complete infrastructure facilities, or not within close proximity to established commercial areas, is to be designated as a Transition and Sprawl Reduction Area. New development is to be discouraged and privately owned vacant lands acquired or development rights retired to reduce sprawl, ensure that the Keys carrying capacity is not exceeded, and prevent further encroachment on sensitive natural resources. Within a Transition and Sprawl Reduction Area are typically found: scattered small non-residential development and platted subdivisions with less than 50 percent of the lots developed; incomplete infrastructure in terms of paved roads, potable water, or electricity; and scattered clusters of environmentally sensitive lands, some of which are within or in close proximity to existing platted subdivisions.

3. Infill Area (Tier III): Any defined geographic area, where a significant portion of land area is not characterized as environmentally sensitive as defined by this Plan, except for dispersed and isolated fragments of environmentally sensitive lands of less than four acres in area, where existing platted subdivisions are substantially developed, served by complete infrastructure facilities, and within close proximity to established commercial areas, or where a concentration of non-residential uses exists, is to be designated as an Infill Area. New development and redevelopment are to be highly encouraged, except within tropical hardwood hammock or pineland patches of an acre or more in area, where development is to be discouraged. Within an Infill Area are typically found: platted subdivisions with 50 percent or more developed lots situated in areas with few sensitive environmental features; full range of available public infrastructure in terms of paved roads, potable water, and electricity; and concentrations of commercial and other non-residential uses within close proximity. In some Infill Areas, a mix of non-residential and high-density residential uses (generally 8 units or more per acre) may also be found that form a Community Center.

**Policy 105.2.2**

Monroe County shall prepare an overlay map(s) designating geographic areas of the County as one of the three Tiers in accordance with the guidance in Policy 105.2.1, which shall be incorporated as an overlay on the zoning map(s) with supporting text amendments in the Land Development Regulations. These maps are to be used to guide the Land Acquisition Program and the smart growth initiatives in conjunction with the Livable CommuniKeys Program (Policy 101.20.1).

**Policy 105.2.3**

The priority for acquisition of lands and development rights under the County's Land Acquisition Program shall be as follows: Tier I (Natural Area)-first priority; Tier II (Transition and Sprawl Reduction Area) and patches of tropical hardwood hammock or pinelands of one acre or greater in area within Tier III-second priority; and Tier III (Infill Area)- third priority, except acquisition of land for affordable housing shall also be a first priority. These acquisition priorities shall be applied consistent with the Policy 105.2.10 that directs the focus of the County's acquisition efforts to the acquisition or retirement of development rights of privately owned vacant platted subdivision lots within Tiers I and II. Federal, State and local funding will be used for purchasing privately owned vacant lands for Tier II.

**Policy 105.2.4**

Monroe County shall prepare a specific data base tied to its Geographic Information System, containing information needed to implement, monitor, and evaluate its Land Acquisition Program, smart growth initiatives, and Livable CommuniKeys Program.

**Policy 105.2.5**

Monroe County shall, in coordination with federal and state agencies, implement a land acquisition program to acquire all remaining privately-owned vacant lands within areas designated as a Natural Area (Tier I).

**Policy 105.2.6**

Monroe County shall implement a land acquisition program to acquire most privately owned vacant private lands within areas designated as a Transition and Sprawl Reduction Area (Tier II) on Big Pine Key and No Name Key and patches of tropical hardwood hammock or pinelands of one acre or greater in area identified as a Special Protection Area within a designated Infill Area (Tier III).

**Policy 105.2.7**

Monroe County shall implement an acquisition program to acquire privately owned vacant lands disturbed or scarified properties for affordable housing within areas designated as an Infill Area (Tier III).

**Policy 105.2.8**

The preferred method for acquisition of environmentally sensitive privately owned vacant non-platted lands shall be fee simple purchase, donation, or dedication or the retirement of development rights through transfer of development rights or similar mechanisms.

**Policy 105.2.9**

The preferred method for acquisition of vacant platted lots shall be fee simple purchase, donation, or dedication or the retirement of development rights thorough transfer of development rights or similar mechanisms; however, wherever appropriate, platted lots may be purchased in partnership with adjoining property owner(s) subject to a conservation easement that may allow limited accessory residential uses.

**Policy 105.2.10**

In terms of effort, Monroe County shall primarily focus its Land Acquisition Program on the acquisition or retirement of development rights of vacant privately-owned, buildable, platted lots within Tier I and Tier II and the acquisition of scarified and disturbed lands for affordable housing within Tier III. This policy recognizes the critical need for the County to aggressively address the imbalance between development expectations of private property owners and the finite carrying capacity of the natural and man-made systems in the Florida Keys.

**Policy 105.2.11**

Monroe County shall petition the federal and state governments to aggressively pursue the acquisition of all remaining privately-owned vacant lands within their park and conservation acquisition boundaries and to expand existing acquisition boundaries to include other lands in close proximity with similar environmentally sensitive features.

**Policy 105.2.12**

With respect to the relief granted pursuant to Policy 106.1 (Administrative Relief) or Policy 101.18.5 (Beneficial Use), a purchase offer shall be the preferred form of relief for any land within Tier I and Tier II, or any land within Tier III in accordance with the criteria in Policy 101.6.5.

**Policy 105.2.13**

In implementing this Land Acquisition Program, Monroe County is only committed or financially obligated to the extent that local, state, and federal funds are available.

**Policy 105.2.14**

Monroe County shall identify and secure possible local sources to yield a steady source of funds and secure increased funding from state and federal, and/or private sources for the Land Acquisition Program and the management and restoration of acquired resource conservation lands. With the uncertainty concerning the County's ability to successfully secure sufficient funding from state and federal governments for their fair share of the financial support for the Land Acquisition Program and the demands placed on the County's limited financial resources to address wastewater and other critical issues, it is recognized that the Land Acquisition Program may extend well beyond 20 years.

**Policy 105.2.15**

Where appropriate, as part of the Livable CommuniKeys Planning Process, Community Centers shall be designated within areas designated as Tier III (Infill Area). A Community Center is characterized as a defined geographic area with a mix of retail, personal service, office and tourist and residential uses (generally of greater than 8 units per acre). Community Centers shall be designated as receiving areas for transfer of development rights and shall receive special incentives in the non-residential permit allocation system.

**Objective 105.3**

Monroe County shall implement its 20-Year Land Acquisition Program and smart growth initiatives in conjunction with its Livable CommuniKeys Program and shall make appropriate amendments to this Plan and the Land Development Regulations including, but not necessarily limited to the residential and non-residential permit allocation systems.

## 3.2 Conservation and Coastal Management

### **GOAL 201**

Air quality in Monroe County shall be maintained at existing high levels such that it continues to meet all attainment standards set by the State of Florida and the U.S. Environmental Protection Agency (EPA). [9J-5.013(2)(a)]

#### **Objective 201.1**

Monroe County shall continue to maintain existing ambient air quality levels in compliance with the National Ambient Air Quality Standards (NAAQS). [9J-5.013(2)(b)1]

##### **Policy 201.1.1**

By September 30th of each year, Monroe County, in coordination with local DER representatives, shall review the annual air quality monitoring data for Monroe County. Any violations of the NAAQS or trends in ambient air quality shall be reported to the BOCC. [9J-5.013(2)(b)1]

##### **Policy 201.1.2**

Applicable DER and EPA permits for required pollution control devices shall be obtained prior to receiving a Monroe County building permit for all proposed projects. [9J-5.013(2)(b)1]

##### **Policy 201.1.3**

Development Orders shall require that land areas exposed during construction be treated with mulch, spray, grass or other appropriate methods in order to minimize air pollution. [9J-5.013(2)(b)1]

##### **Policy 201.1.4**

All mining activities shall comply with DER standards designed to reduce point sources of air pollution. [9J-5.013(2)(b)1]

##### **Policy 201.1.5**

Monroe County shall support state government programs for the inspection and maintenance of automobile emission control systems. [9J-5.013(2)(b)1]

##### **Policy 201.1.6**

Monroe County shall support state government programs to regulate petroleum and gasoline storage facilities with an emphasis on controlling VOC emissions. [9J-5.013(2)(b)1]

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## **GOAL 202**

The environmental quality of Monroe County's estuaries, nearshore waters (canals, harbors, bays, lakes and tidal streams,) and associated marine resources shall be maintained and, where possible, enhanced. [9J-5.012(3)(a); 9J-5.013(2)(a)]

### **Objective 202.1**

Monroe County shall work cooperatively with the U.S. Environmental Protection Agency (EPA), the Florida Department of Environmental Regulation (DER), the South Florida Water Management District (SFWMD), and the National Oceanic and Atmospheric Administration (NOAA) to develop and implement the Water Quality Protection Program for the Florida Keys National Marine Sanctuary. Pursuant to the Florida Keys National Marine Sanctuary Act (H.R. 5909), this program shall be enacted no later than July/August 1993. [9J-5.012(3)(b)2; 9J-5.013(2)(b)2]

#### **Policy 202.1.1**

Monroe County shall coordinate with EPA, DER, SFWMD and NOAA to determine the scope of studies required to document pollutant loads for Florida Keys waters.

Phase I of the Development Plan for the Florida Keys National Marine Sanctuary Water Quality Protection Program (EPA and DER, in preparation), recommends several studies are undertaken in order to:

1. provide data to document relationships between water quality and declines in seagrass beds and coral communities; and
2. to provide the basis for institutional and regulatory changes which will protect against further declines in the quality of confined and nearshore waters and their biotic communities.

Recommended studies include the following:

1. monitoring to characterize the nutrient inputs to groundwater;
2. data collection and modeling in order to understand the transportation of groundwater nutrients to marine coastal waters;
3. monitoring to characterize the constituents within stormwater based on use, as well as determination of what percentage of stormwater results in overland flow to marine coastal waters;
4. data collection pertaining to natural nutrient regeneration due to decomposition of floating Sargassum and seagrass within confined water bodies;
5. evaluation of the relative contributions of point source discharges, groundwater input, stormwater overland flow, natural decomposition of organic matter, and other mechanisms of nutrient input and potential for further declines in water quality within the confined waters of the Florida Keys National Marine Sanctuary;
6. monitoring of water, sediment and biotic parameters for confined and nearshore waters; and
7. development of potential engineering solutions applicable to the Florida Keys, with cost estimates, for selected representative areas of confined waters that are experiencing poor water quality.

By January 4, 1997, Monroe County shall seek to enter into an agreement with the EPA, DER, SFWMD, and NOAA which shall describe the responsibilities of each agency and of the County in each of these studies. Monroe County shall:

1. obtain and/or make available the necessary funds to complete the study tasks for which it is responsible; and
2. execute those tasks in accordance with the timeframes outlined by the agreement.

Special studies to be undertaken by Monroe County as identified in other elements of the Monroe County Year 2010 Comprehensive Plan shall be coordinated with these special studies. Specifically:

1. the scope of work for the Sanitary Wastewater Master Plan shall be developed so as to include special studies required to assess pollutant loadings to ground and nearshore waters from sanitary wastewater facilities (See Objective 901.4 and related policies);
2. the scope of work for the Stormwater Management Master Plan shall be developed so as to include special studies required to assess:
  - a) non-point source contributions to surface water discharges from stormwater; and
  - b) non-point source contributions to groundwater from stormwater (See Drainage Element Objective 1001.3 and related policies); and
3. the scope of the Live-Aboard Study shall be developed so as to collect data required to determine pollutant loadings from live-aboard vessels (See Policy 202.4.2). [9J-5.012(3)(c)1,3 and 13; 9J-5.013(2)(c)1]

#### **Policy 202.1.2**

Monroe County shall coordinate with EPA, DER, SFWMD and NOAA during completion of Phase II of the Florida Keys National Marine Sanctuary Water Quality Protection Program. Pursuant to the Florida Keys National Marine Sanctuary Act (H.R. 5909), Phase II shall:

1. adopt or revise, under applicable Federal and State laws, applicable water quality standards for the Sanctuary;
2. adopt enforceable pollution control measures (including water quality-based effluent limitations and best management practices) and methods to eliminate or reduce pollution from point and nonpoint sources; and
3. establish a comprehensive water quality monitoring program to:
  - a) determine the sources of pollution causing or contributing to existing or anticipated pollution problems in the Sanctuary;
  - b) evaluate the effectiveness of efforts to reduce or eliminate those sources of pollution; and
  - c) evaluate progress toward achieving and maintaining water quality standards and toward protecting and restoring the coral reefs and other



living marine resources of the Sanctuary. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.1.3**

Within six months following completion of the Water Quality Protection Program by DER, Monroe County shall:

1. review the County's policies and regulations pertaining to water quality protection; and
2. shall draft and complete revisions, as appropriate, to the County's policies and regulations, including the Land Development Regulations and other sections of the Monroe County Code, as appropriate, to comply with the requirements and intent of the Water Quality Protection Program. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.1.4**

Within six months following completion of the Water Quality Protection Program by DER, Monroe County shall seek to enter into an agreement with EPA, DER, SFWMD and NOAA which shall describe the responsibilities of each agency and of the County in the water quality monitoring program. Monroe County shall:

1. obtain and/or make available the necessary funds to complete the monitoring program tasks for which it is responsible; and
2. execute those tasks in accordance with the timeframes outlined by the agreement. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.1.5**

Monroe County shall continue to maintain the Monroe County Department of Marine Resources with adequate staff and funding to support the development and implementation of the Florida Keys National Marine Sanctuary Management Plan, including the Water Quality Protection Program. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

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**Objective 202.2**

Monroe County shall develop and implement permitting, inspection, and enforcement procedures designed to reduce pollutant discharges into ground and surface waters from on-site disposal systems. (See Goal 901 and related objectives and policies.) [9J-5.012(3)(b)2; 9J-5.013(2)(b)2]

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**Objective 202.3**

Monroe County shall develop and implement permitting, inspection, and enforcement procedures designed to reduce pollutant discharges into ground and surface waters from wastewater treatment plants. (See Goal 901 and related objectives and policies.) [9J-5.012(3)(b)2; 9J-5.013(2)(b)2]

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**Objective 202.4**

By January 4, 1998, Monroe County shall develop and implement siting and discharge regulations, fee requirements, and enforcement provisions designed to reduce pollutant discharges into surface waters from moored/anchored vessels (live-aboards) in nearshore waters to the extent allowed by law. [9J-5.012(3)(b)2; 9J-5.013(2)(b)2]

**Policy 202.4.1**

By January 4, 1997, Monroe County shall adopt revisions to the Monroe County Code pertaining to live-aboard vessels which:

1. adopt existing federal regulations for required marine sanitation;
2. define the term "live-aboard vessel" in terms of type and duration of vessel use (to be consistent with or more strict than pending DNR rule defining "live-aboard vessel");
3. prohibit living on board vessels of any type in residential districts;
4. require non-conforming live-aboard vessels in use as of January 4, 1997, to comply with all applicable regulations on or before January 4, 1998;
5. require that new marinas at which a live-aboard vessel is proposed to be docked provide a pump-out station;
6. require all marinas, regardless of size, to provide signage conspicuously posted at dockage sites which educate the live-aboard public about the importance of pumping out and which give clear directions to the nearest pump-out stations;
7. prohibit construction of docks which permit commercial docking of boats with on-board toilets unless the dock facility is equipped with a sewage pump-out; and
8. prohibit construction of docks which permit docking of a live-aboard vessel unless such vessel has an operable holding tank. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6].

**Policy 202.4.2**

By January 4, 1998, Monroe County, with the assistance of the Marine and Port Authority Committee, shall present a report to the BOCC concerning live-aboard vessels. This report shall:

1. recommend criteria for siting live-aboard mooring areas;
2. identify potential locations of live-aboard mooring areas;
3. identify live-aboard sanitation requirements;
4. identify maximum vessel allowances in live-aboard mooring areas
5. identify methods for registration and fee collection;
6. propose definitions for live-aboard status;
7. identify pollutant loadings from live-aboards;

8. identify needs for public pump-out facilities; and
9. determine the extent of local government jurisdiction pertaining to the use of waters of the Florida Keys. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.4.3**

Development of the management recommendations for live-aboard vessels shall be coordinated with NOAA to ensure consistency with recommendations of the Florida Keys National Marine Sanctuary Management Plan. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.4.4**

By January 4, 1998, Monroe County shall adopt revisions to the Monroe County Code pertaining to liveaboard vessels which establish the following:

1. live-aboard vessel siting criteria;
2. maximum vessel allowances;
3. no discharge zones within harbors and near-shore waters;
4. sanitation requirements;
5. requirements for live-aboard provisions (such as parking and solid waste disposal);
6. establishes a registration and fee structure for live-aboard moorings (to offset costs of mooring buoys, enforcement efforts and public pump-outs);
7. concurrency provisions, and
8. impact fee provisions. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.4.5**

By January 4, 1998, Monroe County shall adopt a plan for providing public pump-out facilities in county-owned locations. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

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**Objective 202.5**

Monroe County shall develop and implement permitting, inspection, and enforcement procedures designed to reduce pollutant discharges into surface waters from marinas and fueling facilities. [9J-5.012(3)(b)2; 9J-5.013(2)(b)2]

**Policy 202.5.1**

By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations requiring new marinas having ten (10) or more slips (wet or dry), or at which a live-aboard vessel is proposed to be docked, to provide an on-site pump-out station and appropriate sewage treatment to accommodate the number of slips present according to DER and HRS standards. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.5.2**

By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations requiring existing marinas making application for site improvements to provide a plan for retrofitting existing facilities to include an on-site pump-out station and sewage treatment. This requirement shall apply to all marinas having ten (10) or more slips (wet or dry), or at which a live-aboard vessel is docked. Implementation of this plan shall be a condition of permit issuance for site improvements at existing marinas. The plan shall be fully implemented within one year of permit issuance. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.5.3**

Existing marinas having ten (10) or more slips (wet or dry), or at which a live-aboard vessel is docked, which have not been retrofitted by January 4, 1998, shall submit a plan to Monroe County for retrofitting existing facilities to include an on-site pump-out station and sewage treatment. This plan shall be submitted by January 5, 1998, and shall be fully implemented by January 4, 1999.

Existing marinas subject to the retrofitting requirement shall be identified through the Marina Survey (See Policy 212.4.2). The County shall notify owners of compliance requirements in writing by January 4, 1997. [9J-5.012(3) (c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.5.4**

By January 4, 1998, Monroe County shall require an annual operating permit for all marinas having ten (10) or more slips (wet or dry) or at which a live-aboard vessel is docked. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.5.5**

By January 4, 1998, Monroe County shall develop and implement an enforcement program designed to ensure compliance with existing state and federal regulations pertaining to adequate spillage prevention, containment, and clean-up of fuel or hazardous material at marina sites and fueling facilities. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

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**Objective 202.6**

By January 4, 1997, Monroe County shall take actions to support and promote enforcement of wastewater discharge permits for seafood processing facilities and other industrial dischargers. [9J-5.012(3)(b)2; 9J-5.013(2)(b)2]

**Policy 202.6.1**

Monroe County shall request that the DER pursue alternatives to surface water discharges for all industrial discharges not already discharging to bore holes. Particular attention should be directed to finding suitable alternatives to surface water discharge for seafood processing facilities.

For those permittees where bore hole disposal is determined preferable, then the permit conditions should be amended to require timely transfer to bore hole disposal. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.6.2**

Monroe County shall request that the DER require wastewater discharge permits for all seafood processing facilities in the Florida Keys. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.6.3**

Monroe County shall adopt revisions to the Monroe County Code pertaining to the disposal of fish and shellfish by-products from seafood processing facilities, including the following:

1. by-products shall not be dumped into surface waters or wastewater disposal systems;
2. by-products shall be disposed of as solid waste; and
3. consideration shall be given to suitable reuse of by-products. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

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**Objective 202.7**

By January 4, 1998, Monroe County shall develop and implement a boating impacts management program designed to reduce adverse impacts on water quality and living marine resources associated with recreational boating. (See Objective 203.5 and related policies.) [9J-5.012(3)(b)2; 9J-5.013(2)(b)2]

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**Objective 202.8**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which implement county policies controlling pollutant discharges into surface waters from dredge and fill activities. [9J-5.012(3)(b)2; 9J-5.013(2)(b)2]

**Policy 202.8.1**

Monroe County shall support state and federal policies and regulations concerning the permitting of dredge and fill activity, except in those instances where more stringent regulations adopted by Monroe County shall be maintained. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.8.2**

No new dredging shall be permitted in Monroe County. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.8.3**

No maintenance dredging shall be permitted within areas vegetated with seagrass beds or characterized by hardbottom communities except for maintenance in public navigation channels. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.8.4**

In order to facilitate establishment of bottom vegetation, maintenance dredging in artificial waterways shall not exceed depths greater than minus six (-6) feet mean low water. This policy does not apply to the entrance channels into Key West Harbor and Safe Harbor. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.8.5**

All dredged spoil resulting from maintenance dredging shall be placed on permitted upland sites where drainage can be contained on-site. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.8.6**

No "after-the-fact" permits shall be issued that violate Monroe County dredge and fill regulations. All illegal structures and fill shall be removed and damages mitigated. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.8.7**

Monroe County shall develop a schedule of monetary penalties that provides for fair and equitable penalties for all dredge and fill violations. Penalty revenues obtained from these violations shall be set aside and used specifically for water quality enhancement projects. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

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**Objective 202.9**

By January 4, 1997, Monroe County shall develop and implement permitting, inspection, and enforcement procedures designed to reduce pollutant discharges into ground and surface waters from stormwater runoff. (See Drainage Goal 1001 and related objectives and policies.) [9J-5.012(3)(b)2; 9J-5.013(2)(b)2]

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**Objective 202.10**

By January 4, 1997, Monroe County shall develop and initiate implementation of a soil erosion and sedimentation control program. This program shall be designed to reduce pollutant discharges into surface waters due to soil erosion and sedimentation. [9J-5.012(3)(b)2; 9J-5.013(2)(b)2 and 3]

**Policy 202.10.1**

Monroe County, in consultation with the Soil Conservation Service (SCS) District Conservationist for Dade-Monroe Counties, shall identify the technical assistance available from the SCS for development and implementation of a soil erosion and sedimentation control program for Monroe County. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.10.2**

Monroe County, in coordination with SFWMD, DER, FDOT and SCS, shall develop and adopt best management practices for temporary and permanent erosion and sedimentation control practices for construction and other non-agricultural land disturbing activities in the Florida Keys. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.10.3**

By January 4, 1997, Monroe County shall adopt a Stormwater Management Ordinance which adopts the level of service standards for the quality and quantity of stormwater discharges in this Comprehensive Plan (See Drainage Policy 1101.1.1). Best management practices (BMPs) developed pursuant to Policy 202.10.2 above for temporary and permanent erosion and sedimentation control shall be incorporated by reference into this ordinance and shall be recommended for use to meet water quality criteria of the ordinance. At a minimum, BMPs shall include minimizing alteration of the natural landscape due to paving and elevational changes and the use of retention basins, detention basins, vegetated swales, and/or exfiltration trenches on site, as appropriate.

**Policy 202.10.4**

Monroe County shall require use of the adopted best management practices for erosion and sedimentation control, where appropriate, as stipulations for land development orders. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.10.5**

Monroe County shall identify erosion and sedimentation problem areas within existing subdivisions and disturbed or scarified lands. The Stormwater Management Master Plan will address drainage improvements required for these areas to mitigate erosion and sedimentation problems (See Drainage Objective 1001.3 and related policies). [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.10.6**

By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations pertaining to shoreline stabilization (See Objective 212.6 and related policies.) [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.10.7**

Monroe County shall identify shoreline areas on public and private lands where there is evidence of serious shoreline erosion and shall assess options for shoreline stabilization. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.10.8**

All mining activities shall be conducted in accordance with sedimentation and erosion control plans (See Policies 208.2.2 and 208.2.7.). [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

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**Objective 202.11**

By January 4, 1998, Monroe County shall immediately take actions to promote mosquito control techniques which will reduce the entry of pollutants from aerial pesticide applications into ground and surface waters. [9J-5.012(3)(b)2; 9J-5.013(2)(b)2]

**Policy 202.11.1**

Monroe County shall coordinate with the Monroe County Mosquito Control Board, the EPA and the FKNMS to review:

1. application guidelines for aerial pesticide spraying; and
2. alternatives to aerial applications of pesticide.

**Policy 202.11.2**

Monroe County shall request that the state undertake a state-wide research and development program for alternatives to aerial applications of pesticides for mosquito control. This program should emphasize ground controls, including biological controls. It should be conducted through existing mosquito control districts and independent researchers, in cooperation with EPA and the Florida Keys National Marine Sanctuary. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.11.3**

Until alternatives can be identified, Monroe County, in coordination with the Monroe County Mosquito Control Board, shall develop and implement a plan for spraying which will minimize the impact on marine resources and human health by avoiding marine waters and the property of owners who have requested no spray. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

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**Objective 202.12**

The Monroe County HRS Unit shall continue to undertake activities designed to reduce pollutant discharges into ground and surface waters from aboveground and underground storage tanks. [9J-5.012(3)(b)2; 9J-5.013(2)(b)2]

**Policy 202.12.1**

The Monroe County HRS Unit shall perform compliance and enforcement activities pertaining to storage tanks regulated by DER under Chapter 17-761, F.A.C (underground storage tanks) and Chapter 17-762, F.A.C. (aboveground storage tanks). This activity shall be undertaken under the terms of the Compliance Verification Contract between DER and the Monroe County HRS Unit. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.12.2**

The Monroe County HRS Unit shall seek to expand its storage tank program such that all storage tank facilities in the Keys comply with state and federal financial responsibility requirements or participate in the optional Florida Petroleum Liability Insurance and Restoration Program. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.12.3**

By January 4, 1998, Monroe County shall establish a requirement by development regulations that all new and replacement petroleum and gasoline storage facilities be double walled.

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**Objective 202.13**

Monroe County shall undertake activities which support existing state and federal laws pertaining to the handling, transportation and disposal of hazardous wastes. (See Solid Waste Objective 801.5 and related policies.) [9J-5.012(3)(b)2; 9J-5.013(2)(b)2 and 10]

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**Objective 202.14**

By January 4, 1998, Monroe County shall make a determination as to the appropriate use of aerators, backfilling, the opening of dead end canals, and the utilization of weed restriction devices as a means of improving water quality in canal systems and shall request, if appropriate, a special rule for the Florida Keys pertaining to the use of same. [9J-5.012(3)(b)1,2 and 3; 9J-5.013(2)(b)2]

**Policy 202.14.1**

Monroe County shall work cooperatively with DER and the ACOE to identify the water quality and permitting issues related to the use of aerators, backfilling, the opening of dead end canals, and utilization of weed restriction devices in canal systems. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.14.2**

Monroe County shall support an independent research study through a university or other impartial research foundation designed to determine the possible applications and impacts of aeration, backfilling, the opening of dead end canals, and utilization of weed restriction devices in canal systems in the Florida Keys. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.14.3**

Monroe County shall, if deemed appropriate after study of water quality issues, request consideration of a special rule for the Florida Keys pertaining to the use of aerators, backfilling, the opening of dead end canals, and utilization of weed restriction devices in canal systems. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

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**Objective 202.15**

By January 4, 1998, Monroe County shall make a determination as to the water quality impacts associated with unplugging residential canals and shall request, if appropriate, a special rule for the Florida Keys pertaining to opening of canal plugs. [9J-5.012(3)(b)1,2 and 3; 9J-5.013(2)(b)2]

**Policy 202.15.1**

Monroe County shall work cooperatively with DER and the ACOE to identify the water quality and permitting issues related to the unplugging of residential canals. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 202.15.2**

Monroe County shall, if deemed appropriate after study of water quality issues, request consideration of a special rule for the Florida Keys pertaining to the opening of plugged, residential canals. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

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**Objective 202.16**

By January 4, 1998, Monroe County shall implement an ongoing coordination program with other local governments and with state and federal agencies to address existing and regional water management practices on the Florida mainland which may affect:

1. the conservation, use and protection of water quality, marine benthic communities, and fisheries in Florida Bay; and
2. the wetlands, unique vegetative communities, and species of special status on mainland Monroe County. [9J-5.012(3)(b)1 and 2; 9J-5.013(2)(b)2,3,4,6 and 10]

**Policy 202.16.1**

Monroe County shall meet periodically with agencies and local governments in the region to discuss water management practices and potential issues related to:

1. the delivery of water, both in terms of quantity and quality, to Card Sound, Barnes Sound and Florida Bay; and
2. alternatives to offshore disposal of waste.

These agencies and local governments shall include, at a minimum:

1. National Park Service;
2. DER;
3. South Florida Water Management District;
4. Dade County;
5. Collier County;
6. South Florida Regional Planning Council; and
7. Environmental Protection Agency.
8. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1,5,6,8 and 9]

**Policy 202.16.2**

Monroe County shall participate in preparing future revisions to the following plans:

1. Surface Water Improvement and Management Plan for the Everglades;
2. Surface Water Improvement and Management Plan for Biscayne Bay; and
3. any additional Surface Water Improvement and Management Plans which may be completed for Monroe County waters. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1,5,6,8 and 9]

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### **GOAL 203**

The health and integrity of living marine resources and marine habitat, including mangroves, seagrasses, coral reefs and fisheries, shall be protected and, where possible, enhanced. [9J-5.012(3)(a); 9J-5.013(2)(a)]

#### **Objective 203.1**

Monroe County shall protect its mangrove wetlands by implementing regulations which will further reduce disturbances to mangroves and which will mitigate the indirect impacts of development upon mangroves. [9J-5.012(3)(b)1; 9J-5.013(2)(b)3 and 4]

##### **Policy 203.1.1**

As set forth in the Land Development Regulations (Monroe County BOCC, 1990), the open space requirement for mangroves shall be one hundred (100) percent. No fill or structures shall be permitted in mangrove wetlands except for elevated, pile-supported walkways, docks, piers and utility pilings. [9J-5.012(3)(c)1; 9J-5.013(2)(c)6]

##### **Policy 203.1.2**

Monroe County shall adopt a mangrove trimming ordinance for the Florida Keys. Regulations of this ordinance shall be developed in cooperation with the DER and shall be consistent with Chapter 17-321, F.A.C. These regulations shall restrict mangrove trimming to the minimal alteration necessary to maintain navigation in existing navigable channels and canals, or where necessary to allow an upland owner limited ingress and egress to waters in conjunction with a permitted structure installed according to the design guidelines of this plan and limited visual access consistent with or more restrictive than state standards. Any ordinance enacted pursuant to this policy shall not affect any mangrove alteration made by the County pursuant to the governmental exemptions contained in Florida's Mangrove Protection Act.

##### **Policy 203.1.3**

Monroe County shall require minimum vegetated setbacks of fifty (50) feet to be maintained as an open space buffer for development occurring adjacent to all types of wetlands except for tidally inundated mangrove fringes and as provided for in Policy 204.2.2, 204.2.3 and 204.2.4. If a 50-foot setback results in less than 2,000 square feet of principal structure footprint of reasonable configuration, then the setback may be reduced to allow for 2,000 square feet of principal structure footprint of reasonable configuration, provided that the setback is not reduced to less than twenty-five (25) feet. On properties classified as scarified adjacent to wetlands, the wetland setback may be reduced to twenty-five (25) feet, without regard to buildable area, if the entire setback management plan in accordance with County regulations approved by the County Biologist and placed under conservation easement. "Development" shall include all activities as currently defined in the F.S. 380.05-compliant Land Development Regulations, hereby incorporated by reference. The effectiveness of this policy shall be reviewed during the Evaluation and Appraisal Review (EAR) Process.

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### **Objective 203.2**

Monroe County shall protect submerged lands vegetated with seagrasses by implementing regulations which will further reduce direct and indirect disturbances to seagrasses. [9J-5.012(3)(b)1; 9J-5.013(2)(b)3 and 4]

#### **Policy 203.2.1**

Upon adoption of the Comprehensive Plan, Monroe County shall prohibit the location of mooring sites over submerged land which is vegetated with seagrasses or characterized by a hard-bottom community, regardless of water depth, except as may be permitted by the Florida Department of Environmental Protection. This prohibition shall also apply to mooring fields. [9J-5.012(3)(c) 1,2,3 and 8; 9J-5.013(2)(c) 1 and 6]

#### **Policy 203.2.2**

Upon adoption of the Comprehensive Plan, Monroe County shall prohibit the termination of docking facilities and piers over submerged land which is vegetated with seagrasses or characterized by a hard-bottom community, regardless of water depth, except as may be permitted by the Florida Department of Environmental Protection. Design criteria to permit sunlight to reach the bottom shall be adopted. No boat shelters or gazebos shall extend over submerged lands vegetated with seagrasses or over hardbottom communities. [9J-5.012(3)(c) 1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

#### **Policy 203.2.3**

Effective upon plan adoption, Monroe County shall:

1. prohibit new dredging in the Florida Keys; and
2. prohibit maintenance dredging within areas vegetated with seagrass beds except for maintenance dredging in public navigation channels. (See Objective 202.8 and related policies.) [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

#### **Policy 203.2.4**

By July/August 1993, Monroe County shall seek to enter into an agreement with NOAA, EPA and DER regarding support of scientific studies of stresses on seagrass ecosystems in the Florida Keys region. This agreement shall be developed following completion of the Florida Keys National Marine Sanctuary Management Plan. This plan shall identify the research needs to be addressed in this agreement. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

#### **Policy 203.2.5**

Monroe County shall support the public education program for users of the Florida Keys National Marine Sanctuary as outlined in the Florida Keys National Marine Sanctuary Management Plan (U.S. Dept. of Commerce, NOAA, in preparation). This program shall promote user education related to, among other items, seagrass bed conservation and navigational safety in nearshore waters. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

#### **Policy 203.2.6**

By January 4, 1998, Monroe County shall enter digital information describing the location of seagrass beds in the Florida Keys into the County's Geographic Information System. These data shall be made available from the Florida Keys National Marine Sanctuary Management Program. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

### **Objective 203.3**

Monroe County shall support state and federal agencies in development and implementation of management measures designed to protect coral reefs located in the waters off the Florida Keys. [9J-5.012(3)(b)1; 9J-5.013(2)(b)3 and 4]

**Policy 203.3.1**

By January 4, 1998, Monroe County shall seek to enter into an agreement with NOAA, EPA and DER regarding support of scientific studies of stresses on coral reef ecosystems in the Florida Keys region. This agreement shall be developed following completion of the Florida Keys National Marine Sanctuary Management Plan. This plan shall identify the research needs to be addressed in this agreement. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 203.3.2**

Monroe County shall support the public education program for users of the Florida Keys National Marine Sanctuary as outlined in the Florida Keys National Marine Sanctuary Management Plan (U.S. Dept. of Commerce, NOAA, in preparation). This program shall promote user education related to, among other items, coral reef conservation and navigational safety. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 203.3.3**

By January 4, 1998, Monroe County shall enter digital information describing the location of coral communities in the Florida Keys into the County's Geographic Information System. These data shall be made available from the Florida Keys National Marine Sanctuary Management Program. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 203.3.4**

Monroe County shall continue to protect, preserve and enhance the coral reef through its land development regulations which address water quality (See Conservation and Coastal Management Element Goal 202 and related objectives and policies), including efforts to:

1. limit the location of water-dependent activities to locations that will not have a significant adverse impact on the offshore resources of hard coral bottoms;
2. control and regulate land and water activities in the vicinity of coral as identified in the Florida Keys Coastal Management Study in an effort to arrest further deterioration; and
3. include the following management policies for John Pennekamp State Park and Looe Key National Marine Sanctuary:
  - a) management and recreational activities in the designated areas must be consistent with preservation of these underwater preserves;
  - b) development activity on Key Largo and islands facing the Looe Key National Marine Sanctuary, including dredging, filling, urban water run-off, and wastewater treatment facilities, will be controlled and regulated in order to minimize stresses which result in water quality deterioration; and
  - c) the County will explore state and federal funding sources for the acquisition of land in the immediate vicinity of John Pennekamp State Park and Looe Key National Marine Sanctuary so as to create a buffer zone between urbanized and preservation areas. Monroe County will cooperate with State and Federal acquisition activities.

**Objective 203.4**

Monroe County shall support state and federal agencies in development and implementation of management measures designed to protect the fisheries of the Florida Keys. [9J-5.013(2)(b)4]

**Policy 203.4.1**

By January 4, 1998, Monroe County shall implement an ongoing coordination program with the NPS, SFWMD, Collier County and Dade County designed to address existing and potential land management problems in the region which may affect the conservation, use and protection of water quality and fisheries in Florida Bay. (See Objective 202.16 and related policies.) [9J-5.012(3)(b)1 and 2; 9J-5.013(2)(b)2,3,4,6 and 10]

**Policy 203.4.2**

Monroe County shall continue to propose actions for consideration by the Florida Marine Fisheries Commission designed to reduce adverse impacts of the Lobster Sport Fishing Season on the lobster fishery and sensitive marine resources of the Florida Keys. [9J-5.013(2)(c)6]

**Policy 203.4.3**

Monroe County shall periodically meet with the Florida Marine Fisheries Commission to assess measures which could be implemented by Monroe County to protect the fisheries of the Florida Keys. To the extent practicable, Monroe County shall take steps to implement such protection measures as may be identified through this cooperative effort. [9J-5.013(2)(c)6]

**Policy 203.4.4**

Monroe County shall support efforts to develop a comprehensive fisheries management program for the Florida Keys utilizing an ecosystem approach. This would propose consolidation of activities now distributed among the Florida Marine Fisheries Commission, the Division of Marine Resources, and the Florida Game and Fresh Water Fish Commission. [9J-5.013(2)(c)6]

**Policy 203.4.5**

By January 4, 1998, Monroe County shall adopt a mangrove trimming ordinance for the Florida Keys. (See Policy 203.1.2.) [9J-5.013(2)(c)6]

**Policy 203.4.6**

By January 4, 1998, Monroe County shall develop and implement a boating impacts management program which shall address the problem of propeller damage to seagrasses. (See Objective 203.6 and related policies.) [9J-5.013(2)(c)6]

**Policy 203.4.7**

Monroe County shall support scientific studies of stresses on seagrass and coral ecosystems in the Florida Keys region. (See Policies 203.2.4. and 203.3.1) [9J-5.013(2)(c)6]

**Policy 203.4.8**

Monroe County shall support, and wherever feasible, aid private and non-profit groups, as well as public agencies in promoting aquaculture. The purpose(s) of such aquaculture shall be to augment fisheries, limit stress on fisheries, and/or replace depleted stock in the Florida Keys. [9J-5.013(2)(c)6]

**Objective 203.5**

By January 4, 1998, Monroe County shall develop and implement a boating impacts management program. [9J-5.012(3)(b)1; 9J-5.013(2)(b)4]

**Policy 203.5.1**

Monroe County shall develop and implement siting and discharge regulations, fee requirements and enforcement provisions pertaining to moored/anchored vessels (live-aboards) in nearshore waters. (See Objective 202.4 and related policies.) [9J-5.012(3)(b)1,2 and 3; 9J-5.013(2)(b)2]

**Policy 203.5.2**

Monroe County shall develop a management plan for derelict vessels, including:

1. identification of procedures for locating and inventorying derelict vessels; and
2. identification of procedures for removal of derelict vessels.

Monroe County shall immediately commence implementation of the derelict vessel removal plan. [9J-5.012(3)(b)1,2 and 3; 9J-5.013(2)(b)2]

**Policy 203.5.3**

Monroe County shall develop criteria for marina siting which shall meet or exceed state standards and which shall rate potential marina sites. (See Objective 212.4 and related policies.) [9J-5.012(3)(b)1,2 and 3; 9J-5.013(2)(b)2]

**Policy 203.5.4**

Monroe County shall prepare a plan for mooring buoy sites. Two types of sites shall be identified, including:

1. live-aboard mooring sites (See Policy 202.4.2); and
2. short-term recreational mooring sites.

Identification of mooring sites shall be undertaken in coordination with NOAA, DER, and DNR, and shall be consistent with recommendations of the Florida Keys National Marine Sanctuary Management Plan (U.S. Dept. of Commerce, NOAA, in preparation). Mooring sites shall be entered into the County's Geographic Information System. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 203.5.5**

Monroe County shall develop and commence implementation of strategies for protection of submerged lands in shallow water areas from boating impacts. These shall include strategies to reduce seagrass propeller scarring and to minimize vessel groundings. To accomplish this, Monroe County shall:

1. identify problem areas and issues related to channel and shallows marking;
2. establish criteria and priorities for identifying channels and shallows to be marked; and
3. make recommendations for channel marking and review these recommendations with NOAA and DNR.

Markers shall be installed after completion of the plan, as funding is available. Funding shall be obtained from a variety of federal, state and local funds, including Boating Improvement Funds. Enforcement shall be by the DNR Marine Patrol, NOAA, and FWS, depending upon location. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 203.5.6**

By the effective date of this Plan, Monroe County shall recommend methods to improve boater education, based on the inventory of existing boater education programs.

The County's boater education program shall be designed and implemented in coordination with the Cooperative Extension Service, Florida Sea Grant, DNR and NOAA. It shall be consistent with recommendations of the Florida Keys National Marine Sanctuary Management Plan.

The boater education program shall place particular emphasis upon the following:

1. navigational safety, including channel locations, in nearshore and backcountry waters;
2. seagrass bed conservation
3. coral reef conservation
4. marine sanitation regulations;
5. litter and debris control regulations;
6. proper use of weed gates;
7. disposal of fish carcasses;
8. existing rules and regulations pertinent to user activities; and
9. general appreciation for marine resources, and awareness of user impacts. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 203.5.7**

Monroe County shall consider requests by the Boating Impacts Workshop to adopt speed controls in nearshore waters and/or creation of a boating restricted or boating protection zone. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 203.5.8**

Implementation of the boating management program recommendations shall be coordinated by the Monroe County Department of Marine Resources. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 203.5.9**

Monroe County shall establish a citizens advisory council for boating management. This group shall be appointed by the BOCC and shall be advisory to the BOCC, the Marine and Port Advisory Committee, and the Monroe County Department of Marine Resources regarding boating management issues. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Objective 203.6**

Monroe County shall coordinate development and implementation of programs and regulations to protect the living marine resources of the Florida Keys with other federal, state and local authorities with jurisdiction over marine activities within the Florida Keys. [9J-5.012(3)(b)1; 9J-5.013(2)(b)4]

**Policy 203.6.1**



Monroe County shall assist the DCA in developing a coordinated agency review pursuant to section 380.051, Florida Statutes. The Monroe County Growth Management Division shall continue to conduct meetings with the Department of Environmental Regulation, the National Oceanographic and Atmospheric Administration, the Department of Natural Resources, and the U.S. Army Corps of Engineers to identify the environmental issues and contradictions in rules and authorities related to the permitting process for marinas, docking facilities, piers, mooring sites, hardened vertical shoreline structures, and dredging in the Florida Keys. Within one year of the effective date of this comprehensive plan, after issues have been identified, Monroe County shall revise the Land Development Regulations. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 203.6.2**

Monroe County shall continue to support the Florida Keys National Marine Sanctuary (FKNMS) Management Program. This program shall include management strategies for the protection of living marine resources in the waters of the Florida Keys. The County shall:

1. participate in the formulation of the management plan;
2. recommend management strategies;
3. review the final management plan to assess the common goals and policies between the FKNMS management plan and this comprehensive plan;
4. coordinate with NOAA and other appropriate agencies to minimize redundancy and increase efficiency in the effort to accomplish common goals; and
5. enter into memoranda of understanding, as necessary, with NOAA and/or other agencies to specify which policies will be implemented by each agency. Monroe County shall implement those portions of the FKNMS Management Plan:
  - a) which are consistent with the goals, objectives, and policies of this comprehensive plan;
  - b) which are within the County's jurisdiction; and
  - c) for which funding is available.

**Policy 203.6.3**

By January 1998, Monroe County shall coordinate its boating impacts management activities with those of NOAA, DNR Marine Patrol, DNR Park Service, and the U.S. FWS. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 203.6.4**

By January 4, 1997, Monroe County shall request NOAA, EPA, DNR, and DER to develop a plan to correct the deficiencies identified in the Florida Keys Monitoring Study dated July 1987 (205J).

**GOAL 204**

The health and integrity of Monroe County's marine and freshwater wetlands shall be protected and, where possible, enhanced. [9J-5.012(3)(a); 9J-5.013(2)(a)]

**Objective 204.1**

By January 4, 1998, Monroe County shall develop an information system to be used as the basis for regulating land development activities in wetland areas, to identify potential wetland restoration sites, and to identify high quality wetland sites for possible future acquisition by the County, State and/or private non-profit conservation organizations. [9J-5.012(3)(b)1; 9J-5.013(2)(b)3]

**Policy 204.1.1**

Monroe County shall participate in the Florida Keys Advance Identification of Wetlands (ADID) Program. This program is designed to facilitate the regulatory process under Section 404 of the Clean Water Act of 1973 by providing comprehensive wetlands mapping and assessment information.

The proposed geographic scope of the ADID Program includes the entire Florida Keys, prioritized as follows:

1. privately-owned lands with development potential on the islands connected by US 1;
2. publicly-owned lands on the islands connected by US 1; and
3. offshore islands (which appear in imagery of the islands connected by US 1).

As part of the ADID Program, Monroe County shall:

1. inform and educate the public regarding wetlands protection and the application of information forthcoming from the ADID Program;
2. retain a consultant to map preliminary ACOE and DER jurisdictional lines;
3. compile wetlands mapping information on the County's geographic information system;
4. assist with development of a Florida Keys wetlands functional quality analysis;
5. assist with the functional assessment of wetlands;
6. assist with ground-truthing mapped information; and
7. assist with preparing a draft Technical Support Document. [9J-5.013(2)(c)9]

**Policy 204.1.2**

Monroe County shall cooperate with the Florida Game and Fresh Water Fish Commission (FGFWFC) in its ongoing effort to map freshwater wetlands and disturbed wetlands in the Lower Keys. [9J-5.013(2)(c)9]

**Policy 204.1.3**

Monroe County shall use the refined, up-to-date wetlands information made available from the ADID Program and from the FGFWFC to generate a new set of wetlands maps. These wetlands maps shall replace those currently in use by the County.

In order to prepare the new wetlands maps, Monroe County shall compile information obtained from the ADID Program and from the FGFWFC in the Geographic Information System (GIS). The new composite map set shall be plotted by the GIS at a scale of 1"=200'. The maps and/or overlays shall show:

1. all undisturbed and disturbed marine and freshwater wetlands by vegetative cover type;
2. advisory ACOE and DER jurisdictional lines mapped as part of the ADID Program; and
3. wetland "suitable/unsuitable" designations with respect to ACOE Section 404 permitted activities mapped as part of the ADID Program (See Policy 204.1.3). [9J-5.013(2)(c)9]

**Policy 204.1.4**

As part of the ADID Program, Monroe County shall cooperate with the EPA, ACOE, FGFWFC, SFWMD and FWS to develop a wetlands functional assessment protocol. This assessment protocol shall be tailored for use in the Florida Keys and shall be based upon habitat suitability, water quality, and flood flow alteration functions of marine and freshwater wetlands. [9J-5.013(2)(c)9]

**Policy 204.1.5**

As part of the ADID Program, Monroe County, EPA, FWS, and FGFWFC will jointly carry out the functional analysis of wetlands. This shall be completed on all wetland vegetative cover areas within improved subdivisions and on selected sites outside improved subdivisions, according to statistically valid selected sample locations for each wetland vegetative cover type.

In addition to the functional analysis, the field team shall ground-truth the wetland vegetative cover maps using a differential global positioning system. The wetland vegetative cover boundaries in the GIS shall be revised to reflect results of the ground-truthing (See Policy 204.1.1). [9J-5.013(2)(c)9]

**Policy 204.1.6**

By September 30th of each year, Monroe County shall update the wetlands data in the Geographic Information System to reflect information obtained during wetlands permitting and wetland impact mitigation during the preceding year. [9J-5.013(2)(c)9]

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**Objective 204.2**

Monroe County shall eliminate the loss of undisturbed wetlands and shall eliminate the net loss of disturbed wetlands. [9J-5.012(3)(b)1; 9J-5.013(2)(b)3]

**Policy 204.2.1**

To protect submerged lands and wetlands the open space shall be 100 percent of the following types of wetlands:

1. submerged lands;
2. mangroves;
3. salt ponds;
4. freshwater wetlands;
5. freshwater ponds; and
6. undisturbed saltmarsh and buttonwood wetlands.

Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and undisturbed salt marsh and buttonwood wetland only for use as transferable development rights away from these habitats. Submerged lands, salt ponds, freshwater ponds and mangroves shall not be assigned any density or intensity. [9J-5.012(3)(c)1 and 2; 9J-5.013(2)(c) 6]

**Policy 204.2.2**

No structures shall be permitted in submerged lands, mangroves, salt ponds, or wetlands, except for elevated, pile-supported walkways, docks, piers and utility pilings. No fill shall be permitted in submerged lands, mangroves, salt ponds, or wetlands except;

1. as specifically allowed by Objective 212.6 and subsequent Policies;
2. to fill a manmade, excavated water body such as a canal or swimming pool if the Director of Environmental Resources determines that such filling will not have a significant adverse impact on marine or wetland communities; or
3. as needed for shoreline stabilization or beach renourishment projects with a valid public purpose that furthers the goals of the Monroe County Comprehensive Plan, as determined by the Directors of Planning and Environmental Resources. All such projects shall require approval by the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers prior to the issuance of a County building permit. [9J-5.012(3)(c)1 and 2; 9J-5.013(2)(c)6]

**Policy 204.2.3**

No fill or structures shall be permitted in mangroves or wetlands except as allowed by Policy 204.2.2 (as amended) and for bridges extending over mangroves or wetlands that are required to provide automobile or pedestrian access to dwelling units located on upland areas within the same property for which there is no alternative means of access. Such bridges shall be elevated on pilings such that the natural movement of water, including volume, rate and direction of flow shall not be disrupted or altered. Upland areas shall include disturbed wetlands that have been lawfully converted into uplands through filling. (9J-5.012(3)(c)1 and 2; 9J-5.013(2)(c)6)

**Policy 204.2.4**

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Notwithstanding other provisions of this comprehensive plan regarding disturbed wetlands, no development activities shall be allowed in wetlands pending completion of the ADID program (referenced in Policy 204.1.1 above) or other similar functional assessment of disturbed wetlands in the County. No later than January 4, 1999, the ADID or other similar revised program shall assess the functional value of disturbed wetlands in the County and develop an evaluation index to determine the appropriate level of development for disturbed wetlands. Upon completion and adoption of the functional assessment, it shall be incorporated into the plan, along with a functional definition of disturbed wetlands, by plan amendment.

**Policy 204.2.6**

Monroe County shall adopt revised environmental standards and environmental design criteria which establish minimum vegetated setbacks of fifty (50) feet to be maintained as an open space buffer for development occurring adjacent to all types of wetlands except for tidally inundated mangrove fringes and as provided for in Policies 204.2.2, 204.2.3, and 204.2.4. If a 50-foot setback results in less than 2,000 square feet of principal structure footprint of reasonable configuration, then the setback may be reduced to allow for 2,000 square feet of principal structure footprint of reasonable configuration, provided that the setback is not reduced to less than twenty-five (25) feet. On properties classified as scarified adjacent to wetlands, the wetland setback may be reduced to twenty-five (25) feet, without regard to buildable area, if the entire setback area is planted and maintained in native vegetation with a site-suitable stormwater management plan in accordance with County regulations approved by the County Biologist and placed under conservation easement. "Development" shall include all activities as currently defined in the F.S. 380.05-compliant Land Development Regulations, hereby incorporated by reference. The effectiveness of this policy shall be reviewed during the Evaluation and Appraisal Review (EAR) Process.

**Policy 204.2.7**

Monroe County shall attempt to ensure that dredge and fill activities that require permits from federal, state, regional, and county regulatory authorities are done through a coordinated interagency review process. In addition, applicants for a dredge and fill permit shall be required to obtain all necessary permits from state and federal regulatory agencies prior to issuance of a County permit (See Policies 101.2.2 and 101.3.2.)

**Policy 204.2.8**

No "after-the-fact" permits shall be issued that violate Monroe County dredge and fill regulations. All illegal structures and fill shall be removed and damages mitigated. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 204.2.9**

Monroe County shall develop a schedule of monetary penalties that provides for fair and equitable penalties for all dredge and fill violations. Penalty revenues obtained from these violations shall be set aside and used specifically for water quality enhancement projects. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 204.2.10**

By January 4, 1998 or upon completion of the functional assessment of wetlands in the ADID program, Monroe County shall revise the land development regulations to include additional environmental standards pertaining to open space ratios, permitted uses, filling, and setbacks as may be deemed appropriate to protect wetland habitats. [9J-5.012(3)(c)1 and 2; 9J-5.013(2)(c)6]

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**Objective 204.3**

By January 4, 1998, Monroe County shall initiate a program to restore disturbed marine and freshwater wetlands. (See Goal 210 and related objectives and policies.) [9J-5.012(3)(b)1; 9J-5.013(2)(b)3]

**Policy 204.3.1**

The Monroe County Department of Environmental Resources and Department of Marine Resources shall be responsible for developing and administering the wetlands restoration program. [9J-5.012(3)(c)2; 9J-5.013(2)(c)6]

**Policy 204.3.2**

A list of publicly-owned priority wetland restoration sites shall be drafted and updated every other year. This list shall be developed by Monroe County in consultation with representatives of the ACOE, EPA, FWS, DER, DNR, FGFWFC, and others as appropriate. Priority wetland restoration sites shall be those disturbed wetlands offering the greatest potential increase in functional value after mitigation, as determined in the Florida Keys ADID Program. [9J-5.012(3)(c)2; 9J-5.013(2)(c)6]

**Policy 204.3.3**

Monroe County shall work cooperatively with the ACOE, EPA, FWS, DER, DNR, FGFWFC, and others as appropriate, to determine funding sources to support the wetlands restoration program. [9J-5.012(3)(c)2; 9J-5.013(2)(c)6]

**Policy 204.3.4**

A wetlands restoration fund shall be established. This fund shall include, at a minimum,

1. restoration fees paid by landowners developing in disturbed salt marsh and buttonwood wetlands; and
2. fines collected by the Environmental Crimes Task Force for wetlands violations.

If possible, additional funds shall be obtained for the fund from state and federal agencies through fees, fines and/or special programs (as determined by Policy 204.3.3).

**Policy 204.3.5**

The Environmental Crimes Task Force shall enforce county regulations pertaining to illegal dumping. [9J-5.012(3)(c)2; 9J-5.013(2)(c)6]

**Policy 204.3.6**

The Environmental Crimes Task Force shall enforce county, state and federal regulations pertaining to illegal use of off-road and all terrain vehicles. [9J-5.012(3)(c)2; 9J-5.013(2)(c)6]

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**Objective 204.4**

By January 4, 1998, Monroe County shall establish a program for acquiring high quality undisturbed salt marsh and buttonwood wetlands. (See Future Land Use Objective 102.4 and related policies.) [9J-5.012(3)(b)1; 9J-5.013(2)(b)3]

**Policy 204.4.1**

The Monroe County Department of Environmental Resources, in consultation with the Monroe County Department of Marine Resources, shall work cooperatively with the Monroe County Land Authority in developing and administering the wetlands acquisition program. Acquisition shall be undertaken as part of the Monroe County Natural Heritage and Park Program. [9J-5.012(3)(c)2; 9J-5.013(2)(c)6]

**Policy 204.4.2**

A list of priority wetlands acquisition sites shall be drafted and updated annually. This list shall be developed by Monroe County in consultation with representatives of the ACOE, EPA, FWS, DER, DNR, FGFWFC, and others as appropriate. Priority wetland acquisition sites shall include the following:

1. wetlands having the greatest functional value as determined in the Florida Keys ADID Program;
2. wetlands which are documented habitat of species of special status; and/or
3. undisturbed and disturbed wetlands located within Improved Subdivisions. [9J-5.012(3)(c)2; 9J-5.013(2)(c)6]

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**GOAL 205**

The health and integrity of Monroe County's native upland vegetation shall be protected and, where possible, enhanced. [9J-5.012(3)(a); 9J-5.013(2)(a)]

**Objective 205.1**

Monroe County shall utilize the computerized geographical information system (GIS) and the data, analysis and mapping generated in the Florida Keys Carrying Capacity Study (FKCCS), FMRI, habitat maps and field evaluation to identify and map areas of upland vegetation in the Florida Keys and to prepare Tier Overlay District Maps as required in Policy 105.2.2. [9J-5.012(3)(b)1; 9J-5.013(2)(b)3]

**Policy 205.1.1**

The County shall establish the following criteria at a minimum to use when designating Tiers: [9J-5.013(2)(c)9]

1. Land located outside of Big Pine Key and No Name Key shall be designated as Tier I based on following criteria:
  - Natural areas including old and new growth upland native vegetated areas, above 4 acres in area.
  - Vacant land which can be restored to connect upland native habitat patches and reduce further fragmentation of upland native habitat.
  - Lands required to provide an undeveloped buffer, up to 500 feet in depth, if indicated by appropriate special species studies, between natural areas and development to reduce secondary impacts; canals or roadways, depending on size may form a boundary that removes the need for the buffer or reduces its depth.
  - Lands designated for acquisition by public agencies for conservation and natural resource protection.
  - Known locations of threatened and endangered species.
  - Lands designated as Conservation and Residential Conservation on the Future Land Use Map or within a buffer/restoration area as appropriate.
  - Areas with minimal existing development and infrastructure.
2. Lands on Big Pine Key and No Name Key designated as Tier I, II, or III shall be in accordance with the wildlife habitat quality criteria as defined in the Habitat Conservation Plan for those islands.
3. Lands located outside of Big Pine Key and No Name Key that are not designated Tier I shall be designated Tier III.
4. Designated Tier III lands located outside of Big Pine Key and No Name Key with tropical hardwood hammock or pinelands of one acre or greater in area shall be designated as Special Protection Areas.
5. Lands within the Ocean Reef planned development shall be excluded from any Tier designation.

**Policy 205.1.2**

The County shall ground-truth the upland habitats identified in the ADID habitat maps, aerial photography, satellite imagery and the FKCCS, including mapping and preliminary habitat evaluations. Priority shall be given to natural upland communities of four acres or greater. [9J-5.013(2)(c)9]

**Policy 205.1.3**

The County shall enter ground-truthed upland native vegetated area location and evaluation data into the Geographic Information System (GIS) and use the GIS to analyze the data and prepare the Tier Overlay District Maps for adoption as required in Policy 105.2.2. [9J-5.013(2)(c)9]

**Policy 205.1.4**

The GIS will be used to evaluate the lands designated in the different Tiers, identifying vacant lands, platting and ownership status, zoning, and appraised values for acquisition planning. [9J-5.013(2)(c)9]

**Policy 205.1.5**

Land management activities, land acquired and permit data shall be incorporated into the GIS annually. [9J-5.013(2)(c)9]

**Policy 205.1.6**

The County shall coordinate its upland native vegetation mapping and evaluation efforts with those of federal and state agencies and private researchers so as to avoid duplication of effort. These agencies shall include, at a minimum, the Environmental Protection Agency (EPA), Army Corps of Engineers (ACOE), Florida Department of Environmental Protection (FDEP), Florida Department of Community Affairs (FDCA), South Florida Water Management District (SFWMD), Florida Fish and Wildlife Conservation (FWC), and nongovernmental environmental groups. [9J-5.013(2)(c)9]

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## **Objective 205.2**

To implement Goal 105 of this Plan and the recommendations in the Florida Keys Carrying Capacity Study (FKCCS), Monroe County shall adopt revisions to the Land Development Regulations which further protect and provide for restoration of the habitat values of upland native vegetated communities, including hardwood hammocks and pinelands. [9J-5.012(3)(b)1; 9J-5.013(2)(b)3]

### **Policy 205.2.1**

Monroe County shall designate the boundaries of the overlay tier system based on the criteria in Policy 205.1.1.

### **Policy 205.2.2**

Monroe County shall discourage developments in Tier I and within tropical hardwood hammock or pinelands of one acre or more in area to protect areas of native upland vegetation. (See Policy 101.5.4). [9J-5.012(3)(c)1, 2 and 3; 9J-5.014(2)(c)6]

### **Policy 205.2.3**

Clustering requirements shall be revised to require the following:

1. when a parcel proposed for development contains more than one (1) habitat type, development shall be:
  - a) clustered on the least sensitive portion of the parcel, until the maximum allowable density is reached;
  - b) if further development occurs, it shall be clustered on the next least sensitive portion of the parcel, until maximum allowable density is reached, etc.; and
2. development permitted on the least sensitive portion(s) of a parcel shall be clustered within that portion(s) of the parcel.

Habitat sensitivity shall be defined by the ranking currently contained in the Land Development Regulations Section 9.5-345(a), hereby incorporated by reference.

### **Policy 205.2.4**

Bulk regulations and development standards shall be reviewed and revised so as to allow greater flexibility for clustering.

### **Policy 205.2.5**

Environmental Impact Assessments shall include identification of measures for protecting native upland vegetation (See Goal 218 and related objectives and policies). Successful implementation of these measures shall be required as a condition of issuance of a certificate of occupancy. [9J-5.013(2)(c)3]

### **Policy 205.2.6**

The permitted clearing of native upland vegetation communities shall be defined by habitat and the location of the property in the tier overlay district maps. Clearing of upland native vegetation communities in the Tiers I, II, and III shall be limited for the portion of the property containing upland native vegetation in accordance with Policy 101.4.22.

### **Policy 205.2.7**

Clearing of native vegetation shall be limited to the percentage and maximum allowed in Policy 101.4.22. For applications that receive points for lot aggregation under the Permit Allocation System for residential development, clearing of upland native vegetation shall be limited to a maximum of 5,000 square feet. The immediate development area shall include the area of approved clearing shown on the approved site plan. The immediate development area shall be fenced throughout the duration of construction. During construction, there shall be no disturbances of the ground surface and vegetation within areas of native upland vegetation not approved for clearing. [9J-5.013(2)(c)3]

**Policy 205.2.8**

Development shall not disturb the following vegetation:

1. champion trees;
2. specimen trees (diameter at breast height that is greater than seventy-five (75) percent of the record tree of the same species for the State of Florida); and
3. plant species listed by the FWS as threatened and endangered. [9J-5.013(2)(c)3]

**Policy 205.2.9**

Development shall be sited so as to minimize impacts on the following plants:

1. species listed by the Florida Department of Agriculture and Consumer Services as threatened, endangered or commercially exploited (excluding those specifically protected by Policy 205.2.8);
2. other locally rare native species (See Policy 205.3.1); and
3. native trees with diameter at breast height (dbh) of four (4) inches or greater.

In those instances, where an applicant can demonstrate that avoidance of such species or trees is not possible by clustering or by an alternate design approach, then successful transplantation of such species shall be considered on-site. "Successful" transplantation shall be defined as one-hundred (100) percent survival after a period of one (1) year.

Where the probability of survivability of transplanted plants is low (as determined in writing by the County Biologist), then the applicant shall be required to pay into the County Restoration Fund (See Goal 210 and related objectives and policies), or to donate nursery stock to county or state restoration projects. Donated nursery stock shall be identical in species composition to that which will be lost to construction. Stock shall be donated according to the following replacement schedule:

1. for native trees over four (4) inches dbh, three (3) replacements for each taken;
2. for listed species of any size, three (3) replacements for each taken; and
3. for locally rare native species, three (3) replacements for each taken.

In situations where replacement stock is not available, then a replacement schedule utilizing alternative species shall be approved in writing by the County Biologist. This alternative shall be utilized only after all possible sources of replacement species have been exhausted.

In situations where payments are made in lieu of donations of stock, such payments shall be sufficient to purchase stock in numbers corresponding to the above replacement schedule. [9J-5.013(2)(c)3]

**Policy 205.2.10**

Invasive exotic vegetation shall be removed from the development parcel as a condition for issuance of a Certificate of Occupancy. [9J-5.013(2)(c)3]

**Policy 205.2.11**

A list of invasive exotic upland plants shall be prepared by the County biologist. [9J-5.013(2)(c)3]

**Policy 205.2.12**

Monroe County shall use the legal conditions of land existing as of February 28, 1986 and as depicted on the "December 1985 Habitat Classification Aerial Photographs," hereby incorporated by reference as a base line for the type and extent of habitat on a parcel. The 1985 maps shall be supplemented by recent aerial photography and existing site analysis to determine any increases in the amount of upland native vegetated areas.

(no Policy 205.2.13)

**Policy 205.2.14**

Monroe County shall require, in the Land Development Regulations an Existing Conditions Report including a vegetation survey for any development that may disturb native upland vegetation. At a minimum the report shall include an analysis of the potential impacts of the proposed development on native upland habitats, a description of the measures designed to reduce identified adverse impacts including clustering

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### **Objective 205.3**

By January 4, 1998, Monroe County shall implement an expanded program for identification and protection of plant species of special status. These shall include plants designated as threatened and endangered by the FWS and those designated as threatened, endangered or commercially exploited by the Florida Department of Agriculture. [9J-5.013(2)(b)3)]

#### **Policy 205.3.1**

Monroe County shall develop a list of locally rare plant species. This list shall include species which are rare within the Florida Keys but which do not have special status. [9J-5.013(2)(c)9]

#### **Policy 205.3.2**

Monroe County shall expand and update its maps showing occurrences of the following species:

1. plant species designated by the FWS as threatened and endangered;
2. plant species designated by the Florida Department of Agriculture as threatened, endangered or commercially exploited; and
3. plant species designated as locally rare.

Information shall be obtained from the Florida Natural Areas Inventory data base. It shall be entered into the County's GIS. To the extent possible, the historic occurrence data shall be plotted on specific parcels for which the occurrences were recorded. The GIS data base shall be updated annually. [9J-5.013(2)(c)9]

#### **Policy 205.3.3**

Monroe County shall actively participate in the Florida Champion Tree Program of the Florida Department of Agriculture. [9J-5.013(2)(c)9]

#### **Policy 205.3.4**

Monroe County shall work cooperatively with the FWS to promote the recovery of plant species designated by the federal government as threatened and endangered. Related activities shall include:

1. identification of sites in the Keys with key tree-cactus (*Cereus robinii*), Small's milkpea (*Galactia smallii*), and Garber's spurge (*Euphorbia garberi*);
2. notification to the FWS when development proposals are received for sites having historic and/or current occurrences of federally-designated plant species list in (1.) above;
3. cooperation with the FWS in locating potential introduction sites for federally-designated plant species; and
4. technical assistance, and where possible, financial assistance, with acquisition of:
  - a) sites having known populations of federally-designated plant species; or
  - b) sites deemed highly suitable as re-introduction sites for such species. [9J-5.013(2)(c)9]

### **Objective 205.4**

By January 4, 1998, Monroe County shall implement an ongoing coordination program with the NPS, SFWMD, Collier County and Dade County designed to address existing and potential land management problems in the region which may affect unique vegetative communities on mainland Monroe County. (See Objective 202.16 and related policies). [9J-5.012(3)(b)1 and 2; 9J-5.013(2)(b)2,3,4,6 and 10]

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**Objective 205.5**

Monroe County, together with private, state, and federal agencies, shall establish a program for acquiring native upland habitat to implement Goal 105 and the recommendations in the FKCCS.. (See Future Land Use Objective 102.4 and related policies). [9J-5.012(3)(b)4; 9J-5.013(2)(c)6]

**Policy 205.5.1**

The Monroe County Division of Growth Management shall work cooperatively with the Monroe County Land Authority and other responsible state and federal agencies in developing and administering the acquisition program. Acquisition shall be undertaken to implement the Monroe County Land Acquisition Master Plan (Objective 102.4). [9J-5.012(3)(c)2; 9J-5.013(2)(c)6]

**Policy 205.5.2**

A list of priority native upland habitat acquisition sites in Tier I shall be drafted and reviewed annually with public input taken.. This list shall be developed by Monroe County in consultation with representatives of FDEP, FDCA, USFWS, SFWMD, FWC and others as appropriate.

**Objective 205.6**

By January 4, 1998, Monroe County shall initiate a program to restore and maintain disrupted native upland vegetation systems on public lands. (See Objective 210.1 and related policies). [9J-5.012(3)(b)4; 9J-5.013(2)(c)6]

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## **GOAL 206**

The health and integrity of Monroe County's beach/berm resources shall be protected and, where possible, enhanced. [9J-5.012(3)(a); 9J-5.013(2)(a)]

### **Objective 206.1**

Upon adoption of the Comprehensive Plan, Monroe County shall revise the Land Development Regulations to include revised development standards pertaining to permitted uses, siting of structures, disturbances, removal of invasive vegetation, and restoration of native vegetation in undisturbed and disturbed beach/berm areas. [9J-5.012(3)(b)4]

#### **Policy 206.1.1**

Upon adoption of the Comprehensive Plan, Monroe County shall implement the Permit Allocation and Point System. Monroe County shall assign a negative point rating to developments which require disturbance of undisturbed beach/berm areas. (See Policy 101.5.4). [9J-5.012(3)(c)1,2 and 3; 9J-5.013(2)(c)6]

#### **Policy 206.1.2**

Minimum coastal construction setbacks currently in use in Monroe County shall be reviewed in coordination with DNR. Existing setbacks in the Land Development Regulations (Monroe County BOCC, 1990) shall be revised as deemed appropriate based upon findings of this review. (See Objective 212.2 and related policies). [9J-5.012(3)(c)1,2 and 3; 9J-5.013(2)(c)6]

#### **Policy 206.1.3**

Permitted uses within the shoreline setback along natural shorelines characterized by beach/berm vegetation shall be limited to docks and walkways. Access shall be restricted to wooden dune walkover structures which, in the absence of a dock, shall terminate at the waterward toe of the dune. All structures shall be elevated on pilings or other supports. [9J-5.012(3)(c)1,2 and 3; 9J-5.013(2)(c)6]

#### **Policy 206.1.4**

No beach/berm material shall be excavated or removed and no fill shall be deposited on a beach/berm. [9J-5.012(3)(c)1,2 and 3; 9J-5.013(2)(c)6]

#### **Policy 206.1.5**

Clearing of beach/berm vegetation in the area landward of the shoreline setback shall be limited to the minimum clearing required to allow development of a permitted use. Prior to commencement of construction, the immediate area required for construction shall be enclosed with fencing. No vehicular or pedestrian traffic shall be permitted outside the fenced areas for the duration of the construction period. All areas disturbed during construction shall be managed to avoid the introduction and/or establishment of invasive exotic species.[9J-5.012(3)(c)1,2 and 3; 9J-5.013(2)(c)6]

#### **Policy 206.1.6**

Beach/berm areas disturbed during construction shall be immediately restored to stable condition. Restoration techniques shall be designed to achieve the maximum stability possible. Native plants shall be used exclusively in re-vegetation. [9J-5.012(3)(c)1,2 and 3; 9J-5.013(2)(c)3 and 6]

#### **Policy 206.1.7**

Invasive exotic vegetation shall be removed from the development site as a condition for issuance of a Certificate of Occupancy. [9J-5.012(3)(c)1,2 and 3; 9J-5.013(2)(c)3 and 6]

#### **Policy 206.1.8**

A list of invasive exotic beach/berm plants shall be prepared by the County Biologist. [9J-5.013(2)(c)3; 9J-5.013(2)(c)6]

**Policy 206.1.9**

Existing and new outdoor lighting shall be restricted/or prohibited, as appropriate, so as to avoid adverse impacts on beach nesting areas (See Policies 207.9.6 and 207.9.7). [9J-5.012(3)(c)1,2 and 3; 9J-5.013(2)(c)6]

**Policy 206.1.10**

Seawalls shall be prohibited on any beach or open water shoreline. [9J-5.012(3)(c)1,2 and 3; 9J-5.013(2)(c)6]

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**Objective 206.2**

By January 4, 1998, Monroe County shall initiate a program to restore and maintain disturbed beach/berm resource areas on public lands. (See Objective 210.1 and related policies.) [9J-5.012(3)(b)4; 9J-5.013(2)(c)6]

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**Objective 206.3**

Beginning in 1998, Monroe County shall prepare annual beach management plans for all publicly-owned beaches (See Recreation and Open Space Objective 1201.11 and related policies). These plans shall be prepared by September 30th of each year. They shall be consistent with the current county restoration plan (See Objective 210.1 and related policies). [9J-5.012(3)(b)4; 9J-5.013(2)(c)6]

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**Objective 206.4**

By January 4, 1998, Monroe County shall establish a program for acquiring undisturbed beach/berm resource areas (See Future Land Use Objective 102.4 and related policies). [9J-5.012(3)(b)4; 9J-5.013(2)(c)6]

**Policy 206.4.1**

The Monroe County Department of Environmental Resources shall work cooperatively with the Monroe County Land Authority in developing and administering the beach/berm acquisition program. Acquisition shall be undertaken as part of the Monroe County Natural Heritage and Park Program. [9J-5.012(3)(c)2; 9J-5.013(2)(c)6]

**Policy 206.4.2**

A list of priority undisturbed beach/berm acquisition sites shall be drafted and updated annually. This list shall be developed by Monroe County in consultation with representatives of the DNR and others, as appropriate. Priority beach/berm acquisition sites shall include those which:

1. are documented nesting sites for state- and federally- designated species (See Policy 207.9.2); and/or
2. can accommodate public recreation uses without adverse impacts on sensitive natural resources (See Parks and Open Space Element Policy 1201.2.4); and/or
3. are located within Improved Subdivisions. [9J-5.012(3)(c)2; 9J-5.013(2)(c)6]

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**GOAL 207**

Monroe County shall protect and conserve existing wildlife and wildlife habitats. [9J-5.012(3)(a); 9J-5.013(2)(a)]

**Objective 207.1**

By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations which shall protect wildlife and wildlife habitat from adverse impacts of development. [9J-5.012(3)(b)1; 9J-5.013(2)(b)6]

**Policy 207.1.1**

An Environmental Impact Assessment (EIA) shall be required for major development projects. (See Goal 218 and related objectives and policies.)

As part of the EIA, the applicant shall be required to complete the following activities related to wildlife and wildlife habitat:

1. a species survey to include, at a minimum, species of special status that are known to inhabit biological communities similar to those existing on the site in the project area;
2. an assessment of probable impacts on those species associated with the proposed development; and
3. identification of measures that will avoid or lessen the identified wildlife impact.

Monroe County shall, when deemed appropriate, incorporate the wildlife impact avoidance measures as stipulations for the land development order. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.1.2**

Development shall be prohibited on offshore islands (including spoil islands) which have been documented as an established bird rookery, as identified on the current Protected Animal Species Map. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.1.3**

The Open Space Requirement for undisturbed salt marsh and buttonwood wetlands shall be one hundred (100) percent. (See Policy 204.2.1). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.1.4**

Clustering requirements shall be revised so as to reduce habitat fragmentation (See Policy 205.2.3). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

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**Objective 207.2**

By January 4, 1998, Monroe County shall provide guidance to private landowners to reduce disturbances to wildlife species designated by the FWS and the State as threatened or endangered. [9J-5.012(3)(b)1; 9J-5.013(2)(b)6]

**Policy 207.2.1**

The Monroe County Biologist, in coordination with DNR, FGFWFC, and the FWS, shall prepare management guidelines for wildlife species designated as threatened and endangered by the state and federal governments. To the maximum extent possible, the County shall rely on guidelines and public educational materials prepared by the state and federal governments.

The guidelines shall provide public education to residents and prospective developers within critical habitat areas regarding activities disruptive or harmful to specific wildlife species. As appropriate for each species, the guidelines shall address items such as feeding, free-roaming domestic pets, noise, traffic, fencing, pesticide applications, etc. Existing laws and penalties for their violation shall be identified. A separate set of guidelines shall be developed for each species. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.2.2**

Monroe County shall make the management guidelines for designated wildlife species available to the general public. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.2.3**

Monroe County shall, as appropriate, incorporate specific management guidelines for state- and federally-designated wildlife species as stipulations for land development orders. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

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**Objective 207.3**

Monroe County shall protect native wildlife species, especially state- and federally-designated species, from disturbance and predation by free-roaming domestic pets, particularly cats and dogs. [9J-5.012(3)(b)1; 9J-5.013(2)(b)6]

**Policy 207.3.1**

Big Pine and No Name Keys shall be high priority areas for controlling free-roaming dogs. In addition, by January 4, 1998, the County Biologist shall identify other areas within the County where priority should be placed in enforcing animal control laws so as to protect native wildlife populations. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.3.2**

The County Biologist shall meet periodically with the Monroe County Animal Control Department to review priorities for animal control (as identified pursuant to Policy 207.3.1). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.3.3**

By January 4, 1998, the Monroe County Animal Control Department shall develop and begin implementation of an Animal Control Plan. This plan shall address long-term staffing and facility needs within the Upper, Middle and Lower Keys for protecting residents and native wildlife populations from the hazards of free-roaming domestic pets. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

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**Objective 207.4**

Monroe County shall protect its native wildlife populations from invasive exotic wildlife species. [9J-5.012(3)(b)1; 9J-5.013(2)(b)6]

**Policy 207.4.1**

By January 4, 1998, the Monroe County Biologist shall coordinate with the FGFWFC and the FWS to develop a list of undesirable exotic wildlife species (exclusive of horses, domestic dogs, and domestic cats). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.4.2**

By January 4, 1998, Monroe County shall adopt an exotic wildlife ordinance which shall prohibit and/or restrict the sale and handling of listed undesirable exotic species (exclusive of horses, domestic dogs, and domestic cats). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

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**Objective 207.5**

By January 4, 1998, Monroe County shall implement an expanded program for mapping occurrences and habitat of species of special status. These shall include wildlife species designated as threatened and endangered by the FWS and those designated as threatened, endangered or species of special concern by the FGFWFC. [9J-5.012(3)(b)1; 9J-5.013(2)(b)6]

**Policy 207.5.1**

Monroe County shall develop a list of locally rare wildlife species. This list shall include species which are rare within the Florida Keys but which do not have special status. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.5.2**

Monroe County shall expand and update its maps showing occurrences of the following species:

1. wildlife species designated as threatened and endangered by the FWS;
2. wildlife species designated as threatened, endangered or species of special concern by the FGFWFC; and
3. wildlife species designated as locally rare.

Information shall be obtained from the Florida Natural Areas Inventory data base. It shall be entered into the County's GIS. To the extent possible, the historic occurrence data shall be plotted on specific parcels for which the occurrences were recorded. GIS data shall be updated annually. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.5.3**

Monroe County shall seek an interagency agreement with the Florida Natural Areas Inventory, FGFWFC, and FWS to assist the County in identifying the probable concentrated range of wildlife species of special status. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

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**Objective 207.6**

By January 4, 1998, Monroe County shall implement a cooperative program with the FWS, DNR, and FGFWFC to promote the recovery of wildlife species designated by the federal government as threatened and endangered. [9J-5.012(3)(b)1; 9J-5.013(2)(b)6]

**Policy 207.6.1**

Monroe County shall routinely notify the FWS, DNR, and FGFWFC, as appropriate, when development proposals are received for sites having historic and/or current occurrences of species designated as threatened or endangered by the federal and state governments. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.6.2**

Monroe County shall cooperate with the FWS and FGFWFC in locating potential introduction sites for federally-designated wildlife species. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.6.3**

Monroe County shall provide technical assistance, and where possible, financial assistance with acquisition of:

1. sites having known populations of federally-designated wildlife species; or
2. sites deemed highly suitable as reintroduction sites for such species.

Site acquisition shall be considered through the Monroe County Natural Heritage and Park Program. (See Future Land Use Objective 102.4 and related policies). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.6.4**

Monroe County shall support special activities to protect specific species designated by the FWS as threatened or endangered (pursuant to FCAA Rule Chapter 48-7). (See Objectives 207.8 through 207.13 and related policies). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.6.5**

Monroe County shall continue to monitor water connections and hookups by the FCAA to confirm compliance with mandatory requirements of the FWS. These FWS requirements prohibit water connections or hookups within National Wildlife Refuge areas or hardwood hammock areas within its jurisdiction. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

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**Objective 207.7**

Monroe County shall implement activities to prohibit the destruction of the federally-designated Key deer (*Odocoileus virginianus clavium*) and to protect its habitat. [9J-5.012(3)(b)1; 9J-5.013(2)(b)6]

**Policy 207.7.1**

Monroe County shall regulate future development and coordinate the provision of public facilities on Big Pine Key and No Name Key, consistent with the Goals, Objectives and Policies of this Comprehensive Plan and in order to:

1. protect the Key deer;
2. preserve and enhance the habitat of the Key deer; and
3. maintain the rural, suburban, and open space character of Big Pine Key. (See Future Land Use Objective 103.1 and related policies.) [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.7.3**

By January 4, 1998, Monroe County shall identify Key deer habitat areas as priority acquisition sites for conservation purposes. Emphasis shall be placed upon acquisition of movement corridors, sources of freshwater, and undisturbed native vegetation areas which are located within Improved Subdivisions and which are outside of the acquisition areas identified by the FWS (for the National Key Deer Refuge), DNR (for the Coupon Bight CARL Project), and SFWMD (for the Big Pine Key Save Our Rivers project).

Acquisition shall be considered through the Monroe County Natural Heritage and Park Program. (See Future Land Use Objective 102.4 and related policies). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.7.4**

By January 4, 1998, Monroe County shall meet with federal agencies, state agencies, and private non-profit conservation organizations, to determine how the County can support programs for acquisition of land for conservation purposes within habitat areas of the Key deer. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.7.6**

Monroe County shall monitor FCAA compliance with federal regulations prohibiting potable water hookups to designated habitat areas of the Key deer (pursuant to FCAA Rules Chapter 48-7). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.7.8**

By January 4, 1998, the County Biologist shall designate Key deer habitat on Big Pine Key, No Name Key, and other keys as appropriate, as priority areas for enforcement of animal control laws (pursuant to Policy 207.3.1). Adequate staff shall be provided at the animal shelter on Big Pine Key to enforce animal control laws (determined pursuant to Policy 207.3.3). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.7.12**

By January 4, 1997, Monroe County shall meet with the FWS to determine measures which can be taken by the County to support the FWS in enforcing existing no feeding laws pertaining to the Key deer. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.7.13**

On an ongoing basis, Monroe County shall strictly enforce speed limits on roads on Big Pine, No Name, Big Torch, Middle Torch and Cudjoe Keys. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.7.14**

By January 4, 1998, Monroe County shall initiate volunteer programs to encourage landowners to voluntarily remove Brazilian pepper, Australian pines and other invasive plants from their properties. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.7.15**

By January 4, 1998, Monroe County shall distribute management guidelines for Key deer (developed pursuant to Policy 207.2.1) to private landowners on Big Pine Key. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.7.16**

The Monroe County Biologist shall meet routinely with the director of the National Key Deer Refuge to review progress toward attainment of Key deer management objectives and the need for implementation of revised or additional management actions for Key deer protection. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

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### **Objective 207.8**

Monroe County shall implement activities to prohibit the destruction of the Florida manatee (*Trichechus manatus*), American Crocodile (*Crocodylus acutus*), and marine turtles, as well as to protect the habitat of these species. Species of marine turtles to be protected shall include the Atlantic Loggerhead Turtle (*Caretta caretta*), Leatherback Turtle (*Dermochelys coriacea*), Atlantic Hawksbill Turtle (*Eretmochelys imbricata*), Green Turtle (*Chelonia mydas*), and any other marine turtle using Monroe County beaches as nesting habitat. [9J-5.012(3)(b)1; 9J-5.013(2)(b)6]

#### **Policy 207.8.1**

By January 4, 1997, Monroe County shall revise the Land Development Regulations to include revised development standards pertaining to permitted uses, siting of structures, disturbances, removal of invasive vegetation, and restoration of native vegetation in beach/berm areas. (See Objective 206.1 and related policies). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

#### **Policy 207.8.2**

By January 4, 1998, Monroe County shall initiate a program to restore and maintain disturbed beach/berm areas on public lands. (See Policies 210.1 through 210.9). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

#### **Policy 207.8.3**

By January 4, 1998, Monroe County shall develop and implement a boating impacts management program for protection of marine turtles and manatees. (See Objective 203.6 and related policies).

#### **Policy 207.8.4**

By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations which will reduce pollutant discharges into surface waters from dredge and fill activities. (See Objective 202.8 and related policies). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

#### **Policy 207.8.5**

Upon completion of the Florida Keys National Marine Sanctuary Plan, Monroe County shall amend the Comprehensive Plan to specify how the County will assist in implementation of the plan for an oil spill response team for the Florida Keys. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

#### **Policy 207.8.6**

By January 4, 1998, Monroe County shall adopt a turtle protection ordinance. Regulations of this ordinance shall apply to existing and new development and shall generally accomplish the following:

1. prohibit activities disruptive to marine turtles;
2. establish standards for preventing interior lighting from illuminating nesting areas during the nesting season;
3. establish standards for mechanical beach cleaning; and
4. protect marine turtles from predation. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.8.7**

Monroe County shall protect marine turtles, crocodiles, and alligators from land development activities. Regulations shall generally accomplish the following:

1. restrict existing and prohibit new beachfront outdoor lighting in the vicinity of nesting areas;
2. prohibit structures within fifty (50) feet of the crest of the beach/berm for any beach which is known to serve as an active nesting area;
3. establish general standards for coastal construction in the vicinity of active nesting areas; and
4. require removal of invasive exotic vegetation from development sites in beach/berms as a condition of development approval for adjacent uplands.

**Policy 207.8.8**

Monroe County shall support and, when appropriate, assist the conservation efforts of Save A Turtle, Inc. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.8.9**

Staff of the Monroe County Department of Environmental Resources and the Monroe County Department of Marine Resources shall attend routine DNR training sessions in marine turtle handling. This training shall qualify staff to handle marine turtles and their eggs, as appropriate, when they are observed during beach site inspections. [9J-5.012(3)(c)1]

**Policy 207.8.10**

By January 4, 1998, Monroe County shall identify undisturbed beach nesting habitat of marine turtles as priority acquisition sites for conservation purposes. Particular emphasis shall be placed upon acquisition of undisturbed beaches which are located within Improved Subdivisions.

Acquisition shall be considered through the Monroe County Natural Heritage and Park Program. (See Future Land Use Objective 102.4 and related policies). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.8.11**

By January 4, 1998, Monroe County shall consider requests by the Boating Impacts Workshop to adopt speed controls in nearshore waters and/or creation of a boating restricted or boating protection zone. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 207.8.12**

Monroe County shall monitor FKAA compliance with federal regulations prohibiting potable water hookups to designated habitat areas of the American crocodile (pursuant to FKAA Rules Chapter 48-7). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

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**Objective 207.9**

Monroe County shall protect the critical nesting and resting sites of its bird populations, including permanent and transient species. [9J-5.012(3)(b)1; 9J-5.013(2)(b)6]

**Policy 207.9.1**

By January 4, 1998, the Monroe County Biologist, in cooperation with DNR, FGFWFC, FWS, and the National Audubon Society Research Department shall update the list of offshore island bird rookeries where development shall be prohibited. Until the list is updated, the offshore islands which are established bird rookeries shall be defined as any offshore island designated as a known habitat for a nesting bird on the latest update of the Protected Animal Species Map. (See Policy 207.1.3, 207.9.1 and 1301.7.10.) [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.9.2**

By January 4, 1998, the Monroe County Biologist, in cooperation with DNR, FGFWFC, and the National Audubon Society Research Department shall compile a list of nesting sites in the Lower, Middle and Upper Keys known to be used by federally-designated birds, including the southern bald eagle (*Haliaeetus leucocephala*), roseate tern (*Sterna dougalii*), piping plover (*Charadrius melodus*), peregrine falcon (*Falco peregrinus tundrius*), and least tern (*Sterna antillarum*). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.9.3**

By January 4, 1998, the Monroe County Biologist shall prepare management guidelines for private landowners to address the special sensitivity during the nesting period of the southern bald eagle (*Haliaeetus leucocephala*), osprey (*Pandion haliaetus*), the brown pelican (*Pelecanus occidentalis*), and the roseate tern (*Charadrius melodus*). Development of these guidelines shall be undertaken in coordination with the Florida Game and Freshwater Fish Commission and the FWS. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.9.4**

By January 4, 1997, Monroe County shall retain existing regulations of Section 9.5-478 of the Land Development Regulations (Monroe County BOCC, 1990) which limit land uses and establish wildlife habitat protection measures for wintering grounds of the piping plover (*Charadrius melodus*) on Ohio Key. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.9.5**

By January 4, 1996, Monroe County shall adopt Land Development Regulations which prohibit new or expanded hotel or motel development, including recreational vehicle spaces and camps sites, until December 31, 2001. This prohibition shall apply to recreational vehicle spaces (permitted by Section 9.5-478 of the Land Development Regulations (Monroe County BOCC, 1990)) on Ohio Key in the vicinity of the piping plover (*Charadrius melodus*) wintering grounds. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.9.6**

By January 4, 1997, Monroe County shall meet with the FWS to determine measures which can be taken by Monroe County to support the FWS with its planned acquisition of piping plover (*Charadrius melodus*) wintering grounds on Ohio Key. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.9.7**

By January 4, 1998, Monroe County shall identify the following as priority acquisition sites for conservation purposes:



1. nesting sites of the southern bald eagle (*Haliaeetus leucocephala*), osprey (*Pandion haliaetus*), the brown pelican (*Pelecanus occidentalis*), and the roseate tern (*Sterna dougalli*); and
2. wintering grounds for the peregrine falcon (*Falco peregrinus*) and the piping plover (*Charadrius melodus*).

Acquisition shall be considered through the Monroe County Natural Heritage and Park Program. (See Future Land Use Objective 102.4 and related policies.) [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

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**Objective 207.10**

Monroe County shall implement activities to prohibit the destruction of the federally-designated Schaus swallowtail butterfly (*Heraclides aristodemus ponceanus*). [9J-5.012(3)(b)1; 9J-5.013(2)(b)6]

**Policy 207.10.1**

By January 4, 1998, Monroe County, in cooperation with the FWS and FGFWFC, shall identify the native upland habitats used by the Schaus swallowtail butterfly which are not protected in publicly-owned conservation lands. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.10.2**

By January 4, 1998, sites identified pursuant to Policy 207.10.1 shall be identified as priority acquisition sites for conservation purposes.

Acquisition shall be considered through the Monroe County Natural Heritage and Park Program. (See Future Land Use Objective 102.4 and related objectives and policies.) [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.10.3**

Upon adoption of the Comprehensive Plan, Monroe County shall implement the Permit Allocation and Point System. Monroe County shall assign a negative point rating to developments proposed within hammocks (identified pursuant to Policy 207.10.1) used by the Schaus swallowtail butterfly. (See Policy 101.5.4). [9J-5.012(3)(c)5 and 6]

**Policy 207.10.4**

Monroe County shall coordinate regularly with the Mosquito Control District to promote continued conformance with aerial pesticide spraying guidelines for avoiding Schaus swallowtail butterfly habitat. [9J-5.012(3)(c)1; 5.013(2)(c)5 and 6]

**Policy 207.10.5**

Monroe County shall promote research and development of mosquito control methods which are an alternative to aerial spraying. (See Objective 202.11 and related policies.) [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.10.6**

Monroe County shall encourage planting of torchwood (*Amyris elemifera*) within the range of the Schaus swallowtail butterfly habitat. Restoration sites shall be re-vegetated, in part, with torchwood. Tree donations for replacement shall include torchwood. (9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6)

**Policy 207.10.7**

Monroe County shall monitor FCAA compliance with federal regulations prohibiting potable water hookups to designated habitat areas of the Schaus swallowtail butterfly (pursuant to FCAA Rules Chapter 48-7). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

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**Objective 207.11**

Monroe County shall implement activities to prohibit the destruction of the federally-designated Stock Island tree snail (*Orthalicus reses*). [9J-5.012(3)(b)1; 9J-5.013(2)(b)6]

**Policy 207.11.1**

The Monroe County Biologist shall continue to provide periodic population counts for the Stock Island tree snail to the FWS. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.11.2**

By January 4, 1998, Monroe County shall take actions to work with the Monroe County Mosquito Control Board to direct spraying of mosquito control pesticides away from critical habitat of the Stock Island Tree Snail. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.11.3**

By January 4, 1998, Monroe County shall cooperate with the FWS in locating potential introduction sites for the Stock Island Tree Snail. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.11.4**

By January 4, 1998, potential introduction sites for the Stock Island tree snail which are not currently in public ownership shall be designated as priority acquisition sites for conservation purposes.

Acquisition shall be considered through the Monroe County Natural Heritage and Park Program. (See Future Land Use Objective 102.4 and related objectives and policies). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

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### **Objective 207.12**

Monroe County shall implement activities to protect the habitat of, and to prohibit the destruction of, the federally-designated eastern indigo snake (*Drymachron corais couperi*), Key Largo wood rat (*Neotoma floridana smalli*), silver rice rat (*Orzomys argentatus*), Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*), and the Lower Keys marsh rabbit (*Sylvilagus palustris hefneri*). [9J-5.012(3)(b)1; 9J-5.013(2)(b)6]

#### **Policy 207.12.1**

By January 4, 1998, Monroe County, in cooperation with the FWS and FGFWFC, shall identify wetland and native upland habitats which are documented habitat for the following:

1. eastern indigo snake (*Drymachron corais couperi*) (sites from No Name Key to Sugarloaf Key, on Big Torch Key, Middle Torch Key, Big Pine Key and Plantation Key);
2. silver rice rat (*Orzomys argentatus*) (sites on Cudjoe, Summerland, Big Torch, Middle Torch, Saddlebunch, Little Pine, Raccoon, Water, and Johnson Keys);
3. Lower Keys marsh rabbit (*Sylvilagus palustris hefneri*) (sites on Sugarloaf, Welles, Annette, Boca Chica, Big Pine and Hopkins Keys);
4. Key Largo wood rat (*Neotoma floridana smalli*) (on Key Largo);
5. Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*) (on Key Largo); and
6. American crocodile (*Crocodylus acutus*). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

#### **Policy 207.12.2**

By January 4, 1998, sites identified pursuant to Policy 207.12.1 shall be identified as priority acquisition sites for conservation purposes. Particular emphasis shall be placed upon acquisition of identified wetland and native upland sites which are located within Improved Subdivisions.

Acquisition shall be considered through the Monroe County Natural Heritage and Park Program. (See Future Land Use Objective 102.4 and related objectives and policies). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

#### **Policy 207.12.3**

Upon adoption of the Comprehensive Plan, Monroe County shall implement the Permit Allocation and Point System. Monroe County shall assign a negative point rating to developments proposed within hammocks (identified pursuant to Policy 207.12.1) used by the Key Largo wood rat (*Orzomys argentatus*) and the Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*). (See Policy 101.5.4). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

#### **Policy 207.12.4**

By January 4, 1998, the Monroe County Biologist shall coordinate with FGFWFC to identify specific measures which could be implemented by the County to better protect the eastern indigo snake from illegal collection for the pet trade. The Environmental Crimes Task Force shall be responsible for implementing identified measures. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

#### **Policy 207.12.5**

By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations which shall establish the open space requirement for undisturbed salt marsh and buttonwood wetlands at one hundred (100) percent. (See Policy 204.2.1). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.12.6**

Monroe County shall monitor FCAA compliance with federal regulations prohibiting potable water hookups to designated habitat areas of the Key Largo cotton mouse, Key Largo wood rat, and eastern indigo snake (pursuant to FCAA Rules Chapter 48-7). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.12.7**

By January 4, 1998, the Monroe County Biologist shall coordinate with the FWS and FGFWFC to determine the protection and habitat preservation measures which could be implemented by Monroe County to assist with recovery of these designated species. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

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**Objective 207.13**

Monroe County shall implement activities to protect the habitat of, and to prohibit the destruction of, the federally-designated American alligator (*Alligator mississippiensis*). [9J-5.012(3)(a); 9J-5.013(2)(a)]

**Policy 207.13.1**

By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations which shall continue to establish the open space requirement for freshwater ponds and freshwater wetlands at one-hundred (100) percent (Monroe County BOCC, 1990). (See Policy 204.2.1) [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.13.2**

By January 4, 1998, Monroe County shall meet with the FWS, DNR and SFWMD to determine how Monroe County can support acquisition of freshwater wetlands and critical recharge areas in the Lower Keys by FWS, DNR, and SFWMD. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.13.3**

By January 4, 1998, Monroe County shall identify additional privately-owned lands with freshwater wetlands (not within the acquisition areas of the FWS, DNR or SFWMD) which provide important alligator habitat as priority acquisition sites for conservation purposes.

Acquisition shall be considered through the Monroe County Natural Heritage and Park Program. (See Future Land Use Objective 102.4 and related policies). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 207.13.4**

By January 4, 1998, Monroe County shall identify the freshwater lens systems and associated recharge areas on Big Pine Key and adjacent keys. Special measures shall be implemented to protect the quantity and quality of groundwater recharge to the freshwater lenses. (See Natural Groundwater Aquifer Recharge Element Objective 1101.2 and related policies). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

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**GOAL 208**

Monroe County shall protect, conserve and appropriately use its soil and mineral resources. [9J-5.012(3)(a); 9J-5.013(2)(a)]

**Objective 208.1**

By January 4, 1997, Monroe County shall develop and implement a soil erosion and sedimentation control program. (See Objective 202.10 and related policies). [9J-5.013(2)(b)3]

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**Objective 208.2**

By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations which establish additional health, safety and environmental protection standards for the extraction or use of mineral resources. [9J-5.013(2)(b)3]

**Policy 208.2.1**

New mining activities and expansions to existing mining operations shall be prohibited. Existing mining operations may continue in accordance with the specific limitations of their current permits. All existing mining operations shall be required to utilize methods to prevent permanent groundwater and surface water contamination during mining operations. These shall include but not be limited to the following:

1. the first flush of runoff from the mining site shall be retained on-site;
2. turbidity controls shall be used to prevent contamination of adjacent off-site surface waters; and
3. all point sources of pollution shall be reduced in accordance with applicable regulations of the Department of Environmental Regulation and the U.S. Army Corps of Engineers.

When an application for annual permit for existing mining operations is proposed, the requirement for groundwater and surface water quality protection measures shall be attached as permit conditions.

Monitoring shall be required to determine compliance with state water quality standards. In the event that water quality standards are violated as a result of a mining operation, the mining activity shall be stopped.

**Policy 208.2.2**

Measures shall be utilized to decrease air quality impacts of existing mining operations.

**Policy 208.2.3**

Proper precautions shall be taken to prevent adverse effects from blasting within two (2) miles of areas with concentrations of development of more than one unit per acre. [9J-5.013(2)(c)2]

**Policy 208.2.4**

Resource extraction activities shall not involve extraction below sixty (60) feet. [9J-5.013(2)(c)2]

**Policy 208.2.5**

Monroe County shall develop and implement local reclamation standards which shall be at least as stringent as the criteria and standards contained in F.S. 1989, Chapter 378, Part IV. These standards shall be reviewed and revised in cooperation with DNR (Bureau of Mine Reclamation) and DER. [9J-5.013(2)(c)2]

**Policy 208.2.6**

As a condition of renewal for annual operating permits, existing resource extraction operators shall submit the following plans:

1. stormwater management plan;
2. soil erosion and sedimentation control plan;



3. fugitive dust control plan;
4. reclamation plan (consistent with standards adopted pursuant to Policy 208.2.5);
5. survey information documenting maximum depth of excavation and;

a risk analysis and mandatory pre-blasting survey shall be conducted for every structure within a scaled distance of 150 feet as defined in the Monroe County Blasting and Explosives Ordinance.

**Policy 208.2.7**

Monroe County shall periodically inspect permitted sites to verify compliance with provisions of the control plans and reclamation plan upon which the annual operating permit is conditioned. [9J-5.013(2)(c)2]

**Policy 208.2.8**

Applicants for annual permit renewal of existing mining operations shall have a reclamation plan approved by Monroe County.

**Policy 208.2.9**

No permit renewals shall be issued for non-conforming uses within zoning districts.

**Policy 208.2.10**

Oil and gas exploration, extraction and production in Monroe County shall be prohibited. Monroe County will also oppose oil, gas and mineral exploration, extraction and production in the Florida Keys National Marine Sanctuary.

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**Objective 208.3**

By January 4, 1998, Monroe County shall revise the Land Development Regulations to protect fresh groundwater lenses from accelerated saltwater intrusion due to limestone mining activity.  
[9J-5.013(2)(b)3]

**Policy 208.3.1**

Monroe County shall map the aerial extent and depth of fresh groundwater resources (See Natural Groundwater and Aquifer Recharge Objective 1101.2 and related policies).  
[9J-5.013(2)(c)2]

**Policy 208.3.2**

Monroe County shall propose and adopt regulations to protect fresh groundwater resources from the impacts of limestone mining, including:

1. prohibition of limestone mining within or adjacent to any seasonal or permanent freshwater lens or lens recharge area; and/or
2. restoration requirements which promote preservation of freshwater lens integrity.

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**Objective 208.4**

By January 4, 1998, Monroe County shall prepare an inventory of abandoned mining sites and develop a plan for the cleanup and productive reuse of abandoned mining sites. [9J-5.013(2)(b)3]

**Policy 208.4.1**

Monroe County shall work cooperatively with DER and DNR to identify alternatives for adaptive reuse and reclamation of abandoned mining pits in the Florida Keys. [9J-5.013(2)(c)2]

**Policy 208.4.2**

Monroe County shall inventory abandoned mining pits in the Florida Keys. The inventory shall include, at a minimum, the location, ownership, parcel size, general assessment of remaining resource potential, general description of existing site conditions, and environmental problems for each abandoned pit. [9J-5.013(2)(c)2]

**Policy 208.4.3**

Monroe County shall develop a strategy for encouraging reclamation and reuse of abandoned mining sites. [9J-5.013(2)(c)2]

**Policy 208.4.4**

Monroe County shall work with owners of abandoned mines to implement strategies for reclamation and reuse of abandoned mining sites. [9J-5.013(2)(c)2]

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**GOAL 209**

Monroe County shall discourage private land uses on its mainland, offshore islands and undeveloped coastal barriers, and shall protect existing conservation lands from adverse impacts associated with private land uses on adjoining lands. [9J-5.012(3)(a); 9J-5.013(2)(a)]

**Objective 209.1**

Development of the mainland area of Monroe County shall be controlled so as to reduce public expenditures and to preserve the wilderness state of the area, as defined under the Wilderness Act. (See Future Land Use Objective 102.6 and related policies.) [9J-5.013(3)(b)1]

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**Objective 209.2**

Monroe County shall regulate land use activities on the islands in the surrounding waters of Florida Bay, Hawk Channel, and other waters within the legal boundaries of Monroe County. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

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**Objective 209.3**

Monroe County shall take immediate actions to discourage private development in areas designated as units of the Coastal Barrier Resources System (CBRS). (See Future Land Use Objective 102.8 and related policies.) [9J-5.012(3)(b)1]

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**Objective 209.4**

By January 4, 1998, Monroe County shall complete and implement a cooperative land management program for private and county-owned lands located within and adjacent to parks and conservation lands which are owned by the state and federal governments in the Florida Keys. (See Future Land Use Objective 102.9 and related policies.) [9J-5.012(2)(c)7; 9J-5.014(3)(b)1 and 4]

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**GOAL 210**

Monroe County shall restore, where practicable, disrupted marine, wetland, beach/berm, and native upland vegetation systems on County-owned public lands. [9J-5.012(3)(a); 9J-5.013(2)(a)]

**Objective 210.1**

By January 4, 1998, Monroe County shall initiate a program to restore and maintain disrupted marine, wetland, beach/berm and native upland vegetation systems on Monroe County public lands.

**Policy 210.1.1**

Priority wetland restoration sites shall be drafted and updated every other year. This list shall be developed by Monroe County in consultation with representatives of the ACOE, EPA, FWS, DER, DNR and FGFWFC. Priority wetland restoration sites shall be those disturbed wetlands having the greatest functional value as determined in the Florida Keys Advance Identification of Wetlands Program. [9J-5.012(3)(c)2; 9J-5.013(2)(c)6]

**Policy 210.1.2**

A list of priority native upland vegetation restoration sites shall be drafted and updated every other year. This list shall be developed by Monroe County in consultation with the Florida Department of Agriculture and Consumer Services (Division of Plant Industries), the Florida Natural Areas Inventory, and the National Audubon Society Research Department. Priority upland restoration sites shall be identified on the basis of findings of the general evaluation of upland vegetation (See Objective 205.1 and related policies). Priority sites shall be those disturbed areas whose restoration will result in the greatest habitat benefit at the least cost. Candidate restoration sites shall include publicly-owned as well as privately-owned sites. [9J-5.013(2)(c)3]

**Policy 210.1.3**

A list of priority seagrass bed restoration sites shall be drafted and updated every other year. This list shall be developed by Monroe County in consultation with NOAA, EPA, DNR, and DER. Priority sites shall reflect findings of the Management Plan for the Florida Keys National Marine Sanctuary. [9J-5.012(3)(c)2]

**Policy 210.1.4**

A program shall be developed and updated every other year for removing invasive exotic vegetation from existing county-owned lands (exclusive of trade lands owned by the Monroe County Land Authority), including plans for re-vegetation. (See Open Space and Recreation Objective 1201.11 and related policies). [9J-5.012(3)(c)2]

**Policy 210.1.5**

A program shall be developed and updated every other year for restoring county-owned beach/berm areas. (See Recreation and Open Space Objective 1201.11 and related policies). [9J-5.012(3)(b)4; 9J-5.013(2)(c)6]

**Policy 210.1.6**

A list shall be developed and updated every other year which selects from the identified priority wetland, seagrass and upland vegetation mitigation and restoration sites, those which shall be implemented in the following two years. Monroe County shall develop this plan working cooperatively with agencies of the federal and state government owning lands in the Florida Keys, and with appropriate federal and state regulatory agencies. [9J-5.013(2)(c)7]



**Policy 210.1.7**

Restoration projects shall be completed as funding becomes available. Local, state and federal funding sources shall be used to support restoration projects. [9J-5.013(2)(c)7]

**Policy 210.1.8**

A restoration fund shall be established. This fund shall consist of moneys paid, according to a designated fee structure, in lieu of tree relocation or replacement (pursuant to Policy 205.2.8). The fund shall be used to purchase trees for county restoration projects on upland sites. [9J-5.013(2)(c)7]

**Policy 210.1.9**

Monroe County shall support the efforts of state and federal agencies and private groups that buy land for conservation purposes to remove invasive exotic vegetation from acquisition sites, including both publicly-owned and privately-owned lands. [9J-5.012(3)(c)2]

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**GOAL 211**

Monroe County shall conserve and protect potable water resources and cooperate with regional efforts to ensure the continued availability of quality potable water. [9J-5.011(2)(a); 9J-5.013(2)(a)]

**Objective 211.1**

Monroe County shall work cooperatively with Dade County to encourage land use planning and development controls which shall protect the recharge area of the Florida City Wellfield from potential sources of groundwater contamination and saltwater intrusion. (See Potable Water Objective 701.4 and related policies). [9J-5.013(2)(b)2]

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**Objective 211.2**

Monroe County shall continue to assist the FKAA with water conservation efforts and to assist in implementing the FKAA's Water Conservation Plan, consistent with SFWMD's Water Shortage Plan and Water Consumption Guidelines, and shall implement measures to further conserve potable water. (See Potable Water Objective 701.9 and related policies). [9J-5.013(2)(b)2]

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**Objective 211.3**

By January 4, 1998, Monroe County shall identify the freshwater lens system and associated recharge areas of the Florida Keys and shall implement programs regulating the storage and use of hazardous materials in recharge areas, prohibiting new water withdrawals, and phasing out existing water withdrawals to protect against saltwater intrusion. (See Natural Groundwater Aquifer Recharge Objectives 1101.2 and 1101.3 and related policies). [9J-5.013(2)(b)2]

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## **GOAL 212**

Monroe County shall prioritize shoreline land uses and establish criteria for shoreline development in order to preserve and enhance coastal resources and to ensure the continued economic viability of the County. [9J-5.012(3)(a); 9J-5.013(2)(a)]

### **Objective 212.1**

By December 31, 2006, Monroe County shall develop and implement measures for regulating shoreline uses consistent with the following order of priorities:

- a) water-dependent uses;
- b) water-related uses; and
- c) uses that are not dependent upon or related to shoreline access. [9J-5.012(3)(b)3]

### **Policy 212.1.1**

By December 31, 2003, Monroe County shall develop a Shoreline Use Priorities Plan which shall provide for siting of water-dependent and water-related uses consistent with the following order of priority: 1) water-dependent uses, 2) water-related uses, and 3) uses that are not dependent upon or related to shoreline access. The plan shall accomplish the following:

- 1. establish performance standards for shoreline development, consistent with criteria for marina siting (See Objective 212.4 and related policies);
- 2. identify environmentally suitable waterfront areas and recommend strategies for reserving such areas for water-dependent and water-related development sites consistent with estimated need;
- 3. analyze conflicts among existing shoreline uses and recommend strategies for reducing or eliminating such conflicts; and
- 4. identify strategies for encouraging appropriate mixed use development that includes water-dependent and water-related uses and is compatible with existing land uses. [9J-5.012(3)(c)8]

### **Policy 212.1.2**

By December 31, 2006, Monroe County shall:

- 1. adopt an amendment to the Comprehensive Plan which incorporates recommendations of the Shoreline Use Priorities Plan; and
- 2. adopt Land Development Regulations which regulate existing and new shoreline development consistent with the recommendations of the Shoreline Use Priorities Plan. [9J-5.012(3)(c)8]

### **Policy 212.1.3**

Monroe County shall maintain existing commercial fishing operations as conforming uses. [9J-5.012(3)(c)8]

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### **Objective 212.2**

Monroe County shall adopt minimum performance standards designed to reduce the stormwater runoff impacts, aesthetic impacts, and hydrologic impacts of shoreline development.

#### **Policy 212.2.1**

Minimum coastal construction setbacks currently in use in Monroe County shall be reviewed in coordination with DNR and FGFWFC. Setbacks shall be identified which will accomplish the following:

1. protect natural shoreline vegetation;
2. protect marine turtle nesting beaches;
3. protect water quality (through assimilative and filtrative uptake of pollutants by protected natural shoreline vegetation);
4. protect structures from the effects of long-term sea level rise;
5. protect beaches and shorelines from erosion; and
6. protect the character and overwater views of the community.

Existing setbacks in the Land Development Regulations (Monroe County BOCC, 1990) shall be revised as deemed appropriate based upon findings of this review. The setbacks currently in use shall be the minimum and shall not be relaxed. Existing setbacks in the Land Development Regulations are summarized as follows:

1. twenty (20) feet from the mean high tide line of manmade water bodies and/or lawfully altered shorelines of natural water bodies;
2. fifty (50) feet from natural water bodies with unaltered shorelines or unlawfully altered shorelines, measured from the landward limit of manroves. if anv. and where mangroves do not exist, from the mean high tide line; arRevision 1 8/2004
3. fifty (50) feet from any shoreline area which is known to serve as an active nesting or resting area for marine turtles, crocodiles, terns, gulls and other birds. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

#### **Policy 212.2.2**

Definitions for the terms "altered shoreline" and "unaltered shoreline" shall be adopted concurrent with this comprehensive plan and shall be written to recognize the following general features of each:

1. altered shorelines are generally located directly along dredged canals, basins and channels and/or have been filled or vertically bulkheaded to such a degree that the original natural slope landward of the water is no longer present.
2. unaltered shorelines are generally located along natural non-dredged waterways and open water and have a sloping profile typical of the original natural conditions of the shoreline even though fill or riprap may be present.

#### **Policy 212.2.3**

Permitted uses and performance standards within the shoreline setback shall be as follows:

Principal structures shall be set back as follows:

1. Along lawfully altered shorelines including manmade canals, channels, and basins, principal structures shall be set back at least twenty (20) feet as measured from the mean high water (MHW) line;
2. Along lawfully altered shorelines including manmade canals, channels, and basins, parcels less than 4,000 Square Feet, that are developed with a lawfully established principal use, the required setback may be reduced to a minimum of ten (10) feet provided that the structure is sited so as to protect community character and minimize environmental impacts by maintaining open space and protecting shoreline vegetation.
3. Along open water shorelines not adjacent to manmade canals, channels, or basins, and which have been altered by the legal placement of fill:
  - a. Where a mangrove fringe of at least ten (10) feet in width occurs across the entire shoreline of the property, principal structures shall be set back at least thirty (30) feet as measured from the mean high water (MHW) line or the landward extent of the mangroves, whichever is further inland.
  - b. Where no mangrove fringe exists, principal structures shall be set back at least thirty (30) feet from the mean high water (MHW) line, provided that native vegetation exists or is planted and maintained in a ten (10) foot width across the entire shoreline as approved by the County Biologist, and is placed under conservation easement; otherwise the setback shall be fifty (50) feet as measured from the mean high water (MHW) line.
  - c. On infill lots surrounded by significant development where principal structures are set back less than fifty (50) feet from mean high water (MHW) or the landward extent of mangroves, the Director of Planning and Environmental Resources may evaluate the community character, the presence or absence of environmental features, and the setbacks on adjacent developed properties within two parcels on either side of proposed development, and may allow principal structures to be set back as far as practicable or in line with adjacent principal structures. In no event shall the setback be less than twenty (20) feet. On shorelines where the existing pattern of setback is greater than thirty (30) feet, the greater setback shall apply.
4. Along unaltered and unlawfully altered shorelines, principal structures shall be set back fifty (50) feet as measured from the mean high water (MHW) line or the landward extent of the mangroves, whichever is further landward;

Accessory structures within the shoreline setback shall be designed to meet the following criteria:

1. Along altered shorelines, including manmade canals, channels, and basins:

- a. In no event shall the total, combined area of all structures occupy more than sixty (60) percent of the upland area of the shoreline setback ;
  - b. Pools and spas shall be set back a minimum of ten (10) feet, as measured from the mean high water (MHW) line;
2. Along open water shorelines which have been altered by the legal placement of fill, and where a mangrove fringe of at least ten (10) feet in width occurs across the entire shoreline of the property:
  - a. In no event shall the total, combined area of all structures occupy more than thirty (30) percent of the upland area of the shoreline setback;
  - b. Accessory structures other than docks and erosion control structures shall be set back a minimum of fifteen (15) feet, as measured from the mean high water (MHW) line or the landward extent of the mangroves, whichever is further landward;
3. Along unaltered shorelines:
  - a. In no event shall the total, combined area of all structures occupy more than thirty (30) percent of the upland area of the shoreline setback;
  - b. Accessory structures other than docks and erosion control structures shall be set back a minimum of twenty-five (25) feet, as measured from the mean high water (MHW) line or the landward extent of the mangroves, whichever is further landward;
4. Any proposed development within the shoreline setback shall include a site-suitable stormwater management plan for the entire developed parcel which meets the requirements of the Land Development Regulations;
5. All structures within the shoreline setback shall be located such that the open space ratios for the entire parcel and all scenic corridors and bufferyards are maintained;
6. Structures shall be located in existing cleared areas before encroaching into native vegetation. The remaining upland area of the shoreline setback shall be maintained as native vegetation or landscaped areas that allow infiltration of stormwater runoff;
7. Side yard setbacks must be maintained for all structures in the shoreline setback except for docks, sea walls, fences, retaining walls, and boat shelters over existing boat ramps;
8. No enclosed structures, other than a dock box of five (5) feet in height or less, shall be allowed within the shoreline setback. Non-enclosed gazebos must be detached from any principal structure on the parcel. No decks or habitable spaces may be constructed on the roof of any non-enclosed gazebo in the shoreline setback;



9. Pools, spas, fish cleaning tables, and similar pollutant sources may not discharge directly into surface waters. Where no runoff control structures are present, berms and vegetation shall be used to control runoff. Native vegetation shall not be removed to install berms or runoff control structures;
10. All boat ramps shall be confined to existing scarified shoreline areas of manmade canals, channels, and basins with little or no native vegetation, and shall be located and designed so as not to create a nonconformity for other structures set back from the new mean high water (MHW) line created by the boat ramp; and
11. The roof and supporting members of a boat shelter constructed in compliance with Section 9.5-345 of the Land Development Regulations, as amended (hereby incorporated by reference), may extend two (2) feet into the shoreline setback around the perimeter of a boat basin or ramp. This area shall be subtracted from the total area allowed for all structures within the shoreline setback.
12. Shoreline structures shall be designed to protect tidal flushing and circulation patterns. Any project that may produce changes in circulation patterns shall be approved only after sufficient hydrographic information is available to allow an accurate evaluation of the possible impacts of the project. Previously existing manmade alterations shall be evaluated so as to determine whether more hydrological benefits will accrue through their removal as part of the project.
13. No development other than pile supported docks and walkways designed to minimize adverse impacts on marine turtles shall be allowed within fifty (50) feet of any portion of any beach berm complex which is known to serve as a nesting area for marine turtles:
  - a. The fifty (50) foot setback shall be measured from either the landward toe of the most landward beach berm or from fifty (50) feet landward of MHW, whichever is less. The maximum total setback will be one hundred (100) feet from MHW.
  - b. Structures designed to minimize adverse impacts on marine turtles shall have a minimum horizontal distance of four (4) feet between pilings or other upright members and a minimum clearance of two (2) feet above grade. The entire structure must be designed to allow crawling turtles to pass underneath it moving only in a forward direction. Stairs or ramps with less than the minimum two (2) feet clearance above grade are discouraged. If built, these portions of the structure shall be enclosed with vertical or horizontal barriers no more than two (2) inches apart, to prevent the entrapment of crawling turtles.
  - c. Beaches known to serve as nesting areas for marine turtles are those areas documented as such on the County's threatened and endangered species maps and any areas for which nesting or nesting attempts ("crawls") have been otherwise documented. Within mapped nesting areas, the Director of Planning and Environmental Resources may, in cooperation with the Florida Department of Environmental Protection,

determine that specific segments of shoreline have been previously, lawfully altered to such a degree that suitable nesting habitat for marine turtles is no longer present. In such cases, the Director may recommend reasonable measures to restore the nesting habitat. If such measures are not feasible, the Director will waive the setback requirements of this paragraph. Restoration of suitable nesting habitat may be required for unlawfully altered beaches.

14. Special Approvals:

- a. For structures serving commercial uses, public uses, or more than three dwelling units, the Planning Commission may approve deviations from the above standards as a major or minor conditional use. Such approval may include additional structures or uses provided that such approval is consistent with any permitted uses, densities, and intensities of the land use district, furthers the purposes of this section, is consistent with the general standards applicable to all uses, and the proposed structures are located in a disturbed area of an altered shoreline. Such additional uses are limited to waterfront dining areas, pedestrian walkways, public monuments or statues, informational kiosks, fuel or septic facilities, and water-dependent marina uses. Any such development shall make adequate provision for a water quality monitoring program for a period of five (5) years after the completion of the development.
- b. For structures serving three or fewer dwelling units, the Director of Planning and Environmental Resources may approve designs that address unique circumstances such as odd shaped lots, even if such designs are inconsistent with the above standards. Such approval may be granted only upon the Director's written concurrence with the applicant's written finding that the proposed design furthers the purpose of this section and the goals of the Monroe County Comprehensive Plan. Only the minimum possible deviation from the above standards will be allowed in order to address the unique circumstances. No such special approval will be available for after-the-fact permits submitted to remedy a Code Enforcement violation.
- c. All structures lawfully existing within the shoreline setback along manmade canals, channels, or basins, or serving three or fewer dwelling units on any shoreline, may be rebuilt in the same footprint provided that there will be no adverse impacts on stormwater runoff or navigation.
- d. Docks or docking facilities lawfully existing along the shoreline of manmade canals, channels, or basins, or serving three or fewer dwelling units on any shoreline, may be expanded or extended beyond the size limitations contained in this section in order to reach the water depths specified for docking facilities in Policy 212.5.2. Any dock or docking facility so enlarged must comply with each and every other requirement of this Policy and Section 9.5-345 of the Land Development Regulations, as amended (hereby incorporated by reference).

**Policy 212.2.4**

Stormwater management criteria applicable to the shoreline setbacks shall encourage Best Management Practices (BMPs) which utilize natural berms and vegetation to control runoff from waterfront property. Berms shall not be installed where shoreline vegetation is present. Where berms are used along artificial waterways, they shall be raised so that there is a gradual slope away from the canal edge. In any case, all stormwater management criteria shall conform to adopted level of service standards for water quality and quantity (See Drainage Element Objective 1001.1 and related policies).

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**Objective 212.3**

By January 4, 1998, Monroe County shall develop and implement siting and discharge regulations, fee requirements and enforcement provisions pertaining to moored/anchored vessels (live-aboards) in nearshore waters. (See Objective 202.4 and related policies.) [9J-5.012(3)(b)1,2 and 3; 9J-5.013(2)(b)2]

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**Objective 212.4**

By January 4, 1998, Monroe County shall complete an analysis of the need for additional marina facilities and shall develop criteria for marina siting which shall meet or exceed state standards. [9J-5.012(3)(b)1,2 and 3; 9J-5.013(2)(b)2]

**Policy 212.4.1**

New marinas having three (3) or more slips shall be prohibited until:

1. a marina survey is completed; and
2. marina siting criteria are adopted by Monroe County and approved by DER, DNR and ACOE. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 212.4.2**

Monroe County shall complete a survey of all existing recreational and commercial marinas. Such survey shall include, at a minimum:

1. number of wet and dry slips;
2. usage rates of wet and dry slips;
3. breakout of slips by boat size;
4. on-site amenities including the number of parking spaces;
5. surrounding uses and any known or potential compatibility problems;
6. availability for public use (recreational marinas only);
7. number of boat ramps provided and the boat lanes for each ramp;
8. condition of facilities;
9. existing DER-accepted documentation of water quality trends;
10. availability of pump-out facilities; and
11. potential for marina expansion according to siting criteria (See Policy 212.4.3). [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 212.4.3**

Monroe County shall develop and adopt marina siting criteria. In general, marinas shall be located in areas where maximum physical advantages exist and where no unreasonable or excessive impacts are foreseen on marine resources. Marina construction shall not involve destruction of any significant marine wetlands or seagrass beds.

Specific criteria for marina siting shall be developed consistent with DER Rule 17-312, F.A.C., DNR Rule 18-21.004 F.A.C., and regulations of ACOE. They shall reflect consideration of the following:

1. benthic vegetation and faunal assemblages;
2. adequacy of circulation and tidal flushing;

3. access to deep water through existing channels of adequate depth (See Policy 212.5.2);
4. minimal shoreline modification necessary;
5. quality and size of upland areas and degree of alteration necessary;
6. ability to restore and enhance marina resource values at sites subject to past alteration;
7. location of propeller dredging problem areas; and
8. impact of boats on crocodiles, manatees, and turtles. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 212.4.4**

Applicants for development approval of marinas with three (3) or more slips shall meet the following:

1. Monroe County's marina siting criteria (See Policy 212.4.3);
2. Monroe County's dock siting criteria (See Objective 212.5 and related policies); and
3. criteria of Rule 17-312 Part IV and Rule 18-21.004, F.A.C. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 212.4.5**

Applicants for development approval of docking facilities for fewer than three (3) slips shall meet the following criteria:

1. Monroe County's dock siting criteria (See Objective 212.5 and related policies); and
2. criteria of Rule 17-312 Part IV and Rule 18-21.004, F.A.C. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 212.4.6**

Siting of new marinas with three (3) or more slips shall be prohibited until full utilization of existing marinas has occurred within a five (5) mile radius of a proposed new marina site. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 212.4.7**

Applicants for a permit to develop a new marina facility shall obtain necessary permits from all applicable state and federal regulatory agencies prior to issuance of a County permit. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

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### **Objective 212.5**

By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations pertaining to mooring fields and structures built over water (including, but not limited to, boat docks, fishing piers, swimming piers and observation decks). [9J-5.012(3)(b)1,2 and 3; 9J-5.013(2)(b)2]

#### **Policy 212.5.1**

Monroe County shall support state policies and regulations concerning the permitting of marinas, docks and piers, except in those instances where more stringent regulations adopted by Monroe County shall be maintained. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

#### **Policy 212.5.2**

Except as provided herein, siting of single family docks, boat ramps, and boat slips on manmade water bodies shall require minus four (-4) feet mean low water (MLW) depths at the terminal end. These structures must have continuous access to open water at depths of minus four (-4) feet (MLW) or greater over a channel width of twenty (20) feet, or access to open water via a marked, federally and state approved navigation channel.

1. Docking facilities may be developed on any shoreline if there is a mean low water (MLW) depth of at least minus four (-4) feet at the terminal end of the docking facility, and continuous access to open water, or
2. Docking facilities may be developed on the shoreline of lots in a subdivision if the docking facility is located in a channel or canal or basin that connects five or more contiguous lots which was dredged before 1986, and if there is a mean low water (MLW) depth of at least minus four (-4) feet at the terminal end of the docking facility.

For purposes of this policy "open water" means the portion of the straits of Florida, Florida Bay, the Gulf of Mexico, or the Atlantic Ocean which consists of an uninterrupted expanse of water deeper than four (4) feet at mean low water (MLW) and "continuous access" means a natural passage or an existing manmade channel no shallower than four (4) feet at mean low water (MLW) and no narrower than twenty (20) feet.

#### **Policy 212.5.3**

The minimum water depth requirement at the mooring site shall be minus four (-4) feet mean low water. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

#### **Policy 212.5.4**

The following restrictions shall apply to all structures built over or adjacent to water (including but not limited to boat docks, fishing piers, swimming piers and observation decks):

1. the maximum permitted length of docks shall be commensurate with the shoreline width of the land parcel at which the dock is located, subject to a maximum length of 100 feet from the mean low water line;
2. the length of docks shall not exceed ten (10) percent of the width of the waterbody as measured laterally across the waterbody from the proposed location of placement and from the point of mean low water to the opposing point of mean low water (exception to this shall be made in cases where adequate depth at the terminal end of the dock pursuant to Policies 212.5.2 and 212.5.3 is not available; in such cases the dock may be shortened only enough to allow the centerline of an average width vessel to lie in four feet of water at mean low water);

3. no dock together with a moored boat shall preempt more than twenty-five (25) percent of the navigable portion of a man-made waterbody. This should allow for a structure built over water on either side of the waterbody to have a moored boat and room for free passage of two boats down the center of the waterbody;
4. all fishing, swimming, and other piers and observation decks shall conform to design criteria to be adopted in the Land Development Regulations which prohibit their use as a dock.

A variance procedure, separate from that set forth in the current Land Development Regulations Section 9.5-523, shall be included in the Land Development Regulations to allow the minimum relaxation of the above restrictions which is necessary to provide the upland owner reasonable access to adjacent waters for recreational use. That variance procedure shall incorporate, among other criteria, requirements that such structures not be inconsistent with community character, not interfere with public recreational uses in or on adjacent waters, and pose no navigational or safety hazard.

#### **Policy 212.5.5**

Upon adoption of the Comprehensive Plan, Monroe County shall prohibit the location of mooring sites over submerged land which is vegetated with seagrasses or characterized by a hard-bottom community, regardless of water depth, except as may be permitted by the Florida Department of Environmental Protection. This prohibition shall also apply to mooring fields. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

#### **Policy 212.5.6**

Docking facilities and piers shall not terminate on submerged land which is vegetated with seagrasses or characterized by a hard-bottom community, regardless of water depth, except as may be permitted by the Florida Department of Environmental Protection. Design criteria to permit sunlight to reach the bottom shall be adopted. No boat shelters or gazebos shall extend over submerged lands vegetated with seagrasses or over hard-bottom communities.

#### **Policy 212.5.7**

Monroe County shall establish policies and regulations pertaining to mooring fields, which specifically address the following:

1. siting criteria;
2. requirements for supervision from on-shore facilities (including among other items, pump-out stations and wastewater treatment facilities); and
3. construction practices. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

#### **Policy 212.5.8**

Monroe County shall assist the DCA in developing a coordinated agency review pursuant to section 380.051, Florida Statutes. The Monroe County Growth Management Division shall continue to conduct meetings with the Department of Environmental Regulation, the National Oceanographic and Atmospheric Administration, the Department of Natural Resources, and the U.S. Army Corps of Engineers to identify the environmental issues and contradictions in rules and authorities related to the permitting process for marinas, docking facilities, piers, mooring sites, hardened vertical shoreline structures, and dredging in the Florida Keys. Within one year of the effective date of this comprehensive plan, after issues have been identified, Monroe County shall revise the Land Development



Regulations. (See Policies 103.2.13, 203.6.1, 212.4.7, and 212.6.5.) [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

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**Objective 212.6**

By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations pertaining to shoreline stabilization. [9J-5.012(3)(b)1,2 and 3; 9J-5.013(2)(b)2]

**Policy 212.6.1**

No new bulkheads, seawalls or other hardened vertical shoreline structures shall be permitted on open water. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 212.6.2**

In lieu of bulkheads, seawalls or other hardened vertical shoreline structures, residential canals and altered shorelines shall be stabilized by maintaining native vegetation. When it can be demonstrated that native vegetation will not prevent erosion, then riprap or sloping rock revetments shall be permitted. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 212.6.3**

Bulkheads, seawalls or other hardened vertical shoreline structures shall be permitted on residential canals and altered shorelines only in the following situations:

1. to replace an existing deteriorated bulkhead or seawall; or
2. to stabilize a severely eroding shoreline area. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 212.6.4**

Shoreline structures shall be designed to protect tidal flushing and circulation patterns. Any project which may produce changes in circulation patterns shall be approved only after sufficient hydrographic information is available to allow an accurate evaluation of the possible impacts of the project. Previously existing manmade alterations shall be evaluated so as to determine whether more hydrological benefits will accrue through their removal as part of the project. [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 212.6.5**

Monroe County shall assist the DCA in developing a coordinated agency review pursuant to section 380.051, Florida Statutes. The Monroe County Growth Management Division shall continue to conduct meetings with the Department of Environmental Regulation, the National Oceanographic and Atmospheric Administration, the Department of Natural Resources, and the U.S. Army Corps of Engineers to identify the environmental issues and contradictions in rules and authorities related to the permitting process for marinas, docking facilities, piers, mooring sites, hardened vertical shoreline structures, and dredging in the Florida Keys. Within one year of the effective date of this comprehensive plan, after issues have been identified, Monroe County shall revise the Land Development Regulations. (See Policies 103.2.13, 203.6.1, 212.4.7, and 212.5.10.) [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

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**GOAL 213**

Monroe County shall ensure adequate public access to the beach or shoreline. [9J-5.012(3)(a); 9J-5.013(2)(a)]

**Objective 213.1**

Monroe County shall maintain and increase the amount of public access to the beach or shoreline consistent with the estimated public need and environmental constraints. [9J-5.012(3)(b)9]

**Policy 213.1.1**

By December 31, 2006, Monroe County shall complete a Public Access Plan for unincorporated Monroe County. The Public Access Plan shall estimate the existing capacity of and need for the following types of public access facilities:

1. public access points to the beach or shoreline through public lands;
2. public access points to the beach or shoreline through private lands;
3. parking facilities for beach or shoreline access;
4. coastal roads and facilities providing scenic overlooks;
5. marinas;
6. boat ramps;
7. public docks;
8. fishing piers; and
9. traditional shoreline fishing areas. [9J-5.012(3)(c)9]

**Policy 213.1.2**

By December 31, 2006, Monroe County shall adopt Land Development Regulations which:

1. implement recommendations of the Public Access Plan;
2. provide for the enforcement of public access to beaches renourished at public expense by prescription, prescriptive easement, or any other legal means;
3. provide for the enforcement of public access requirements of the Coastal Zone Protection Act of 1985;
4. specify standards for transportation and parking facilities for beach and shoreline access.
5. include environmental design criteria which reflect environmental constraints. [9J-5.012(3)(c)9]

**Policy 213.1.3**

Beginning in 1998, Monroe County shall maintain or replace physical public access to beaches and shorelines in accordance with provisions of the appropriate park master plans and current management plans for County-owned beaches. (See Recreation and Open Space Objectives 1201.3.7 and 1201.11 and related policies.) [9J-5.012(3)(c)9]

**Policy 213.1.4**

By December 31, 2006, Monroe County shall incorporate public access facilities into the GIS for use in future public access and shoreline planning. [9J-5.012(3)(c)9]

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**GOAL 214**

Monroe County shall recognize, designate, protect, and preserve its historic resources. [9J-5.012(3)(a); 9J-5.013(2)(a)]

**Objective 214.1**

Monroe County shall establish and maintain a comprehensive inventory of historic and archaeological resources, including buildings, structures, districts, sites, objects, and significant places. (See Future Land Use Objective 104.1 and related policies). [9J-5.006(3)(b)4; 9J-5.012(3)(b)10]

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**Objective 214.2**

Monroe County shall formally recognize significant historic and archaeological resources by nominating appropriate resources on the National Register and/or the Florida Keys Historic Register. (See Future Land Use Objective 104.2 and related policies). [9J-5.006(3)(b)4; 9J-5.012(3)(b)10]

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**Objective 214.3**

Monroe County shall adopt and implement measures for the protection and preservation of historic resources. (See Future Land Use Objective 104.3 and related policies). [9J-5.006(3)(b)4; 9J-5.012(3)(b)10]

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**Objective 214.4**

Monroe County shall adopt and implement measures for the protection and preservation of historic resources on public lands. (See Future Land Use Objective 104.4 and related policies). [9J-5.006(3)(b)4; 9J-5.012(3)(b)10]

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**Objective 214.5**

Monroe County shall seek to increase public awareness and appreciation of the historic resources and historic preservation activities in the County. (See Future Land Use Objective 104.5 and related policies). [9J-5.006(3)(b)4; 9J-5.012(3)(b)10]

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**Objective 214.6**

Monroe County shall coordinate with public agencies and non-profit organizations to protect, preserve and increase awareness of historic resources. (See Future Land Use Objective 104.6 and related policies). [9J-5.006(3)(b)4; 9J-5.012(3)(b)10]

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## **GOAL 215**

Monroe County shall provide the necessary services and infrastructure to support existing and new development proposed by the Future Land Use Element while limiting public expenditures which result in the loss of or adverse impacts to environmental resources in the Coastal Zone. [9J-5.012(3)(a); 9J-5.013(2)(a)]

### **Objective 215.1**

Public expenditures for infrastructure in the Coastal Zone shall be phased in accordance with a capital improvements schedule to maintain the adopted level of service (LOS) standards established in the Comprehensive Plan. [9J-5.012(2)(b)11]

#### **Policy 215.1.1**

Monroe County shall adopt level of service standards (LOS) for the following public facility types required by Chapter 9J-5, F.A.C: roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and mass transit. The LOS standards are established in the following sections of the Comprehensive Plan:

1. The LOS for roads is established in Traffic Circulation Policy 301.1.1;
2. The LOS for potable water is established in Potable Water Policy 701.1.1;
3. The LOS for solid waste is established in Solid Waste Policy 801.1.1;
4. The LOS for sanitary sewer is established in Sanitary Sewer Policy 901.1.1;
5. The LOS for drainage is established in Drainage Policy 1001.1.1; and
6. The LOS for parks and recreation is established in Recreation and Open Space Policy 1201.1.1.

#### **Policy 215.1.2**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which provide a Concurrency Management System (See Capital Improvements Policy 1401.4.5). The Concurrency Management System shall ensure that no permits will be issued for new development unless adequate public facilities needed to support the development at the adopted LOS standards are available concurrent with the impacts of development. [9J-5.012(3)(c)12]

#### **Policy 215.1.3**

By January 4, 1997, the Monroe County Capital Improvements Program shall be revised to include the infrastructure improvements identified in the Comprehensive Plan Five-Year Schedule of Capital Improvements which are required to serve development or redevelopment in the coastal area at the densities proposed by the Future Land Use Element, in accordance with the adopted LOS standards referenced in Policy 215.1.1. The Capital Improvements Program shall be monitored and updated annually to ensure that facilities and services are available concurrent with the impacts of development. Development approval may be phased to allow the provision of public facilities and services necessary to maintain the adopted levels of service. [9J-5.012(3)(c)12]

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**Objective 215.2**

By January 4, 1997, Monroe County shall initiate programs which require exploration of feasible alternatives to funding of public facilities and infrastructure which will result in the loss of or damage to significant coastal or natural resources, including, but not limited to, wilderness areas, wildlife habitats, and natural vegetative communities. [9J-5.012(2)(b)11]

**Policy 215.2.1**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which require consideration of feasible design and siting alternatives for new public facilities and infrastructure proposed within the coastal zone in order to minimize adverse impacts to natural resources. [9J-5.012(3)(c)1]

**Policy 215.2.2**

Monroe County shall limit public expenditure on the mainland to the repair and maintenance of existing public facilities and infrastructure. [9J-5.012(3)(c)9]

**Policy 215.2.3**

No public expenditures shall be made for new or expanded facilities in areas designated as units of the Coastal Barrier Resources System, saltmarsh and buttonwood wetlands, or offshore islands not currently accessible by road, with the exception of expenditures for conservation and parklands consistent with natural resource protection, and expenditures necessary for public health and safety. [9J-5.012(3)(c)1]

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## **GOAL 216**

Monroe County shall provide for hurricane evacuation, shelters and refuges, and communication capabilities to promote safeguarding of the public against the effects of hurricanes and tropical storms. [9J-5.012(3)(a); 9J-5.013(2)(a)]

### **Objective 216.1**

Monroe County shall reduce hurricane evacuation clearance time to 24 hours by the year 2010. [9J-5.012(3)(b)7]

#### **Policy 216.1.1**

Within one year of the effective date of this plan, Monroe County shall adopt Land Development Regulations which establish a Permit Allocation System for new residential development. The Permit Allocation System shall limit the number of permits issued for new residential development to be consistent with the Future Land Use Element in order to maintain hurricane evacuation clearance times at a maximum of 24 hours (See Land Use Objective 101.2 and supporting policies). [9J-5.012(3)(c)4]

#### **Policy 216.1.2**

By January 4, 1997, Monroe County shall initiate an interlocal agreement with the cities of Key West, Key Colony Beach, and Layton. The agreement shall establish an entity comprised of representatives of the four jurisdictions which shall be responsible for:

1. allocating the relative proportions of future residential development within the four jurisdictions consistent with the Permit Allocation System;
2. establishing a system to monitor future development within the jurisdictions; and
3. mediating disputes between the jurisdictions regarding the allocation of future development.

Monroe County shall seek the assistance of the Florida Department of Community Affairs and/or the South Florida Regional Planning Council to ensure execution of the agreement by January 4, 1998 and subsequent compliance. [9J-5.012(3)(c)4]

#### **Policy 216.1.3**

During a hurricane evacuation, Monroe County shall designate US 1 and Card Sound Road after Card Sound Road improvements are completed as evacuation routes as directed by the Department of Emergency Management. [9J-5.012(3)(c)4]

#### **Policy 216.1.4**

Monroe County shall annually identify and establish staffing and equipment need priorities which are directly related to increasing efficiency during hurricane evacuation, including, but not limited to, communication systems, emergency coordination personnel, public education personnel, and development review personnel. Opportunities for fulfilling the deficiencies with reliable interagency support shall be identified and interlocal agreements initiated. [9J-5.012(3)(c)4]

#### **Policy 216.1.5**

As part of the 5-year Comprehensive Plan Evaluation and Appraisal Report process, Monroe County shall, in coordination with the South Florida Regional Planning Council and the municipalities of Key West, Layton, and Key Colony Beach, re-run updated transportation models of the Southeast Florida Hurricane Evacuation Study in order to re-evaluate and adjust such factors as participation rates, visitor population levels, total

growth allocations, allocations to sub-areas and municipal jurisdictions and estimates of the effectiveness of programs and policies to reduce the number of evacuating vehicles.

No later than six months after the effective date of this comprehensive plan and as part of every Evaluation and Appraisal Report thereafter, Monroe County shall review and re-evaluate the key variables on which hurricane clearance times have been calculated, with the highest priority given to conducting surveys necessary to more accurately predict peak seasonal occupancy rates, behavioral response factors and related assumptions.

If data becomes available to indicate need for an adjustment of any factor such data shall, within one year of certification of such data, be used to re-run transportation models of the Southeast Florida Hurricane Evacuation Study. New clearance times produced by such additional runs of the Southeast Florida Hurricane Evacuation Study shall be incorporated by plan amendment. [9J-5.012(3)(c)4]

#### **Policy 216.1.6**

Monroe County shall seek an interlocal agreement with the National Oceanic and Atmospheric Administration (NOAA) for installation of at least four tide gauges at critical locations throughout the Keys in conjunction with the Florida Keys National Marine Sanctuary Program. The interlocal agreement shall address funding sources. [9J-5.012(3)(c)4]

#### **Policy 216.1.7**

Monroe County shall seek an interlocal agreement, with one or more appropriate agencies, to draft and implement a comprehensive program for expanded resident and visitor hurricane awareness and evacuation procedures. The program will identify education needs and adequate funding sources to include, at a minimum, staffing requirements, distribution of hurricane public awareness brochures, media coverage, and public announcements in English and Spanish. [9J-5.012(3)(c)4]

#### **Policy 216.1.8**

In the event of a pending major hurricane (category 3-5) Monroe County shall implement the following staged/phased evacuation procedures to achieve and maintain an overall 24-hour hurricane evacuation clearance time for the resident population.

1. Approximately 48 hours in advance of tropical storm winds, a mandatory evacuation of non-residents, visitors, recreational vehicles (RV's), travel trailers, live-aboards (transient and non-transient), and military personnel from the Keys shall be initiated. State parks and campgrounds should be closed at this time or sooner and entry into the Florida Keys by non-residents should be strictly limited.
2. Approximately 36 hours in advance of tropical storm winds, a mandatory evacuation of mobile home residents, special needs residents, and hospital and nursing home patients from the Keys shall be initiated.
3. Approximately 30 hours in advance of tropical storm winds, a mandatory phased evacuation of permanent residents by evacuation zone (described below) shall be initiated. Existing evacuation zones are as follows:
  - a) Zone 1 – Key West, Stock Island and Key Haven to Boca Chica Bridge (MM 1-6)
  - b) Zone 2 – Boca Chica Bridge to West end of 7-mile Bridge (MM 6-40)
  - c) Zone 3 – West end of 7-Mile Bridge to West end of Long Boat Key Bridge (MM 40-63)

- d) Zone 4 – West end of Long Boat Key Bridge to CR 905 and CR 905A intersection (MM 63-106.5)
- e) Zone 5 – 905A to, and including Ocean Reef (MM 106.5–126.5)

The actual sequence of the evacuation by zones will vary depending on the individual storm.. The concepts embodied in this staged evacuation procedures should be embodied in the appropriate County operational Emergency Management Plans.

The evacuation plan shall be monitored and updated on an annual basis to reflect increases, decreases and or shifts in population; particularly the resident and non-resident populations. [9J-5.012(3)(c)4]

#### **Policy 216.1.9**

In accordance with the Monroe County Hurricane Preparedness Evacuation and Shelter Plan, special needs populations shall be identified by the Monroe County Department of Emergency Management. Monroe County shall implement the procedures contained in the Plan for the safe evacuation of these populations. [9J-5.012(3)(c)4]

#### **Policy 216.1.10**

By January 4, 1998, Monroe County shall coordinate with the Florida Department of Transportation to draft and implement a program which will establish priorities for elevation of low segments of US 1. The program shall, at a minimum, identify funding sources and scheduling. Priority consideration shall be given to elevation of the 18-mile stretch of US 1 northbound from Key Largo. [9J-5.012(3)(c)4]

#### **Policy 216.1.11**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which require that all new and redeveloped marinas provide a hurricane contingency plan for review and approval before permits can be issued. [9J-5.012(3)(c)4]

#### **Policy 216.1.12**

Monroe County shall establish separate dedicated funds to accommodate future technological advances in hurricane analyses and communication systems for the Emergency Management and Emergency Communications Department. [9J-5.012(3)(c)4]

#### **Policy 216.1.13**

During a hurricane evacuation, Monroe County shall implement the procedures contained in the Monroe County Hurricane Preparedness Evacuation and Shelter Plan for modifying normal bridge openings including coordination with the U. S. Coast Guard and Florida Department of Transportation. [9J-5.012(3)(c)4]

#### **Policy 216.1.14**

By January 4, 1998, Monroe County shall complete a Post-Disaster Recovery Plan which will include a structured procedure aimed at debris removal preparedness during hurricane evacuation and re-entry (See Objective 217.2 and related policies). [9J-5.012(3)(c)4]

#### **Policy 216.1.15**

Monroe County shall consider implementing impact fees to offset the public costs of hazard mitigation, evacuation, reconstruction of public facilities, emergency communications equipment and similar needs. [9J-5.012(3)(c)4]

**Policy 216.1.16**

Monroe County shall coordinate with the Florida Department of Transportation (FDOT) to ensure that US 1 roadway capacity improvements necessary to maintain hurricane evacuation clearance time at 24 hours, including but not limited to improvements to US 1 between MM 80 and MM 90, are completed. See Traffic Circulation Policy 301.7.3. [9J-5.012(3)(c)4]

**Policy 216.1.17**

By January 4, 1998, Monroe County shall develop programs to reduce the number of evacuating vehicles including, but not limited to programs to encourage ride-sharing and transit usage and, consistent with applicable law, evacuating vehicle registration requirements. [9J-5.012(3)(c)4]

**Policy 216.1.18**

Reduced evacuation clearance times which may result from adjustments to evacuation model variables, programs to reduce the number of evacuating vehicles or increased roadway facility capacity, shall not be used to increase development expectations beyond the growth allocations provided herein, except to the extent that a hurricane evacuation clearance time of 24 hours can be maintained. Any necessary reduction in hurricane clearance times shall be accomplished by a plan amendment within 180 days of the re-assessment.

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**Objective 216.2**

By January 4, 1998, Monroe County shall implement a plan to correct existing and projected shelter deficiencies for Category 1 and 2 storms. [9J-5.012(3)(b)7]

**Policy 216.2.1**

By January 4, 1997, Monroe County shall determine the existing level of deficiency in number and location of shelter spaces for Category 1 and 2 storms according to the projected residential and transient population. Existing buildings shall also be identified that could serve as shelters along with actions needed to bring them up to American Red Cross and Emergency Management specified standards. By January 4, 1998, a plan of action for correcting deficiencies shall be presented for adoption by the BOCC. The plan shall be monitored and updated on an annual basis. [9J-5.012(3)(c)4]

**Policy 216.2.2**

All new public facility buildings suitable for emergency public habitation as determined by the Red Cross shall be required to meet accepted hurricane shelter standards for Category 1 and 2 hurricanes. By January 4, 1997, Monroe County shall develop a plan for establishing one Category 5 Emergency Operations Center (EOC), at a minimum, in each of the three EOC districts. The plan shall include identification of funding sources and coordination with appropriate agencies for construction to Category 5 standards. [9J-5.012(3)(c)4]

**Policy 216.2.3**

By January 4, 1998, Monroe County shall revise the Capital Improvements Program to include the necessary funding for construction of a minimum of one Category 5 EOC in each of the three EOC districts in accordance with Policy 216.2.2. [9J-5.012(3)(c)4]

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**Objective 216.3**

By January 4, 1998, Monroe County shall develop and implement a plan providing sufficient approved shelter spaces outside Monroe County for all county residents who will require shelter from a Category 3 or greater hurricane. [9J-5.012(3)(b)7]

**Policy 216.3.1**

By January 4, 1997, Monroe County shall coordinate with the Department of Community Affairs' Division of Emergency Management, the South Florida Regional Planning Council, Dade County, the Red Cross and other appropriate agencies to identify sufficient approved shelter spaces outside of Monroe County for all county residents who will require shelter from a Category 3 or greater hurricane. Priority consideration shall be given to expansion of the currently designated shelter at Florida International University in order to consolidate Monroe County shelter spaces in one location. [9J-5.012(3)(c)4]

**Policy 216.3.2**

Immediately following plan adoption, Monroe County shall initiate an intergovernmental agreement with Dade County and other appropriate agencies (e.g., Board of Regents, American Red Cross) in an attempt to provide sufficient approved spaces outside of Monroe County for all county residents who will seek shelter from a Category 3 or greater hurricane. In particular Monroe County shall request that the Board of Regents identify sufficient shelter spaces based on professionally accepted standards, in the updated campus master plan for Florida International University to be prepared in 1992-93. [9J-5.012(3)(c)4]

**Policy 216.3.3**

Monroe County shall, at least every five years in conjunction with application of the updated transportation model required by Policy 216.1.5, update the results of the Monroe County Behavioral Analysis contained in the Lower Southeast Florida Hurricane Evacuation Study to determine the number of Monroe County residents who will require shelter outside of Monroe County during a Category 3 or greater hurricane. [9J-5.012(3)(c)4]

**Policy 216.3.4**

By January 4, 1998, Monroe County shall evaluate and confirm the space available at all identified shelters and determine an estimate of shelter deficiencies.

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## **GOAL 217**

Monroe County shall develop and implement a program of hazard mitigation and post-disaster redevelopment to increase public safety and reduce damages and public expenditures. [9J-5.012(3)(a); 9J-5.013(2)(a)]

### **Objective 217.1**

Monroe County shall develop and implement a program of hazard mitigation in the Coastal High Hazard Area (CHHA) which reduces floodplain alteration and damage or loss due to natural disasters. [9J-5.012(3)(b)8]

#### **Policy 217.1.1**

Monroe County shall define the CHHA as the area subject to inundation by the SLOSH (Sea, Lake and Overland Surges from Hurricanes) associated with a Category 1 storm. The CHHA shall be incorporated into the county Geographic Information System for use in managing future land use. [9J-5.012(3)(c)7]

#### **Policy 217.1.2**

Monroe County shall require that all new or replacement sanitary sewage systems in the CHHA meet the following requirements:

- a) All new or replacement sanitary sewage systems shall be designed and constructed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters. Joints between sewer drain components shall be sealed with caulking, plastic or rubber gaskets, and all manhole covers shall be sealed in a similar manner.
- b) All new or replacement sanitary sewage systems shall be located and constructed to minimize or eliminate damage to them and contamination from them during flooding. [9J-5.012(3)(c)3]

#### **Policy 217.1.3**

Monroe County shall coordinate with the Florida Keys Aqueduct Authority (FKAA) in the continued development of an Aquifer Storage Recovery System to supply emergency potable water in the event that the transmission lines from the mainland are disrupted during a natural disaster (See Potable Water Objective 701.6 and related policies). The FKAA shall continue to provide emergency service during electric power outages and hurricanes (See Potable Water Objective 701.7 and Policy 701.7.1). Monroe County endorses burying the potable water transmission lines to reduce their exposure to natural disasters where economically feasible. [9J-5.012(3)(c)3]

#### **Policy 217.1.4**

Monroe County shall continue its policy of reviewing the current Building Code and, as appropriate, adopting structural standards and site alteration restrictions that meet or exceed the minimum FEMA requirements. The Building Code shall be reviewed and revised at least every five years. The recommendations of the applicable interagency hazard mitigation report shall be considered in revisions to the Code. [9J-5.012(3)(c)3]

#### **Policy 217.1.5**

Monroe County shall continue to participate in the National Flood Insurance Program (NFIP) Community Rating System (CRS) to the maximum extent possible and shall seek to improve its current CRS Class 9 rating. [9J-5.012(3)(c)3]

**Policy 217.1.6**

Monroe County shall continue to enforce federal, state and local setback and elevation requirements to promote the protection and safety of life and property. Revisions to the existing setback requirements contained in the Land Development Regulations shall be considered as a means of reducing property damage caused by storms. [9J-5.012(3)(c)3]

**Policy 217.1.7**

Monroe County shall consider floodplain management and CHHA issues in making public acquisition decisions. [9J-5.012(3)(c)3]

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**Objective 217.2**

By January 4, 1998, Monroe County shall develop a Post-Disaster Redevelopment Plan which addresses priorities for immediate recovery and long-term redevelopment including reducing the exposure of human life to natural hazards. [9J-5.012(3)(b)8]

**Policy 217.2.1**

As provided by its Hurricane Preparedness Evacuation and Shelter Plan, Monroe County shall annually coordinate post-disaster recovery operations to clarify the roles and responsibilities of county departments, state and federal agencies, private and public utilities, and other applicable entities. Deficiencies shall be identified and Monroe County shall immediately initiate interlocal agreements or interdepartmental directives as necessary to remedy the existing deficiencies. [9J-5.012(3)(c)5]

**Policy 217.2.2**

By January 4, 1998, Monroe County shall develop a Post-Disaster Redevelopment Plan which specifies procedures for implementing programs for immediate repair, replacement, and cleanup, and long-term rebuilding and redevelopment. The plan shall also include procedures for the identification of damaged infrastructure and consideration of alternatives to its repair or replacement in the CHHA. Monroe County will review and evaluate policies contained in Post Disaster Redevelopment Planning: Model Plan for Three Florida Scenarios as it prepares its Post Disaster Redevelopment Plan. [9J-5.012(3)(c)5 and 7]

**Policy 217.2.3**

The Post-Disaster Redevelopment Plan shall identify areas particularly susceptible to damage within the CHHA such as the FEMA designated V-zones and repetitive loss areas as defined by FEMA and shall specify procedures for relocating or replacing public infrastructure away from them, where feasible. [9J-5.012(3)(c)7]

**Policy 217.2.4**

Monroe County shall limit redevelopment in areas within the CHHA particularly susceptible to repeated damage as defined by the Post-Disaster Redevelopment Plan. [9J-5.012(3)(c)5]

**Policy 217.2.5**

In accordance with Land Use Element Objective 101.7, Monroe County shall identify areas in need of redevelopment and shall draft a redevelopment plan for each area as well as procedures for implementing the program upon damage or loss due to a natural disaster. [9J-5.012(3)(c)6]

**Policy 217.2.6**

In no event shall emergency declarations before, during or following hurricane disaster negate the requirements of these policies and goals, or any regulations derived from them except following a public health menace declaration.

**Policy 217.2.7**

Following completion of the Post-Disaster Redevelopment Plan, guidelines contained therein for development after a natural disaster shall be incorporated within the Comprehensive Plan by plan amendment. Such amendment shall be processed at the next available plan amendment cycle following completion of the redevelopment plan.

**Objective 217.3**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which direct future growth away from the Coastal High Hazard Area (CHHA). [9J-5.012(3)(b)6]

**Policy 217.3.1**

The Permit Allocation and Point System shall assign a negative point rating to developments proposed within the CHHA (See Policy 101.5.4). (See Future Land Use Element Objectives 101.2, 101.3, and 101.5 and related policies.) [9J-5.012(3)(c)3]

**Policy 217.3.2**

Monroe County shall prohibit the construction of mobile homes within the CHHA except on an approved lot within an existing mobile home park or subdivision zoned for such use as of the effective date of this plan. [5.012(3)(c)3]

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**Objective 217.4**

With the following exceptions, public expenditures within the CHHA shall be limited to the restoration or enhancement of natural resources and parklands, expenditures required to serve existing development such as the maintenance or repair of existing infrastructure, and expenditures necessary for public health and safety:

1. public expenditures within the CHHA may be permitted where required to meet adopted level of service standards or to maintain or reduce hurricane evacuation clearance times and where no feasible alternatives to siting the required facilities within the CHHA exist.
2. public expenditures within the CHHA may be permitted for improvements and expansions to existing public facilities, which improvements or expansions are designed to minimize risk of damage from flooding. [9J-5.012(3)(b)5]

**Policy 217.4.1**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which limit public expenditures in the CHHA by requiring consideration of feasible siting and design alternatives for public facilities and infrastructure. [9J-5.012(3)(c)3]

**Policy 217.4.2**

No public expenditures shall be made for new or expanded facilities in areas designated as units of the Coastal Barrier Resources System, undisturbed saltmarsh and buttonwood wetlands, or offshore islands not currently accessible by road, with the exception of expenditures for conservation and parklands consistent with natural resource protection, and expenditures necessary for public health and safety. [9J-5.012(3)(c)1]

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## **GOAL 218**

Applicants for permits to construct a major development project in the Florida Keys shall make available to Monroe County adequate information to allow ready determination of the impacts of the proposed development on the natural resources, public facilities and services, and human environment of the Florida Keys. [9J-5.006(3)(a); 9J-5.012(3)(a); 9J-5.013(2)(a)]

### **Objective 218.1**

By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations which shall require an Environmental Impact Assessment (EIA) for all major development projects. [9J-5.006(2)(b)1,3,4 and 8; 9J-5.012(3)(b)1 and 4; 9J-5.013(2)(b)1 to 4]

#### **Policy 218.1.1**

Guidelines shall be incorporated into the Land Development Regulations specifying the form and content of EIAs.

At a minimum, an EIA shall contain the following:

1. description of the proposed development action;
2. description of existing site conditions;
3. analysis of impacts of the proposed development, on the following:
  - a) soils;
  - b) wetlands;
  - c) native upland vegetation;
  - d) wildlife habitat;
  - e) rare and endangered plant and animal species;
  - f) water quality;
  - g) living marine resources;
  - h) air quality;
  - i) drainage;
  - j) water supply;
  - k) wastewater treatment and disposal;
  - l) solid waste disposal;
  - m) transportation;
  - n) housing;
  - o) historic and archaeological resources;
  - p) conservation lands;
  - q) community character;
  - r) economic impacts;
  - s) other special considerations as may be identified by the Department of Planning; and
4. measures designed to eliminate identified adverse impacts. [9J-5.012(3)(c)1]

#### **Policy 218.1.2**

Mitigation measures identified in the EIA shall be specified, where deemed appropriate by the County, as conditions of the Development Order. [9J-5.012(3)(c)1]

#### **Policy 218.1.3**

Prior to adoption, the EIA requirements shall be subject to review. To the extent possible, the reviewers shall include those individuals who participated in the development of the existing HEI methodology. [9J-5.012(3)(c)1]



### **3.3 Traffic Circulation**

#### **GOAL 301**

To provide a safe, convenient, efficient, and environmentally-compatible motorized and non-motorized transportation system for the movement of people and goods in Monroe County. [9J-5.007(3)(a)1]

#### **Objective 301.1**

Establish level of service (LOS) standards for all roads in Monroe County for the purpose of determining existing and future roadway needs. [9J-5.007(3)(c)1]

##### **Policy 301.1.1**

For all County roads, Monroe County hereby adopts a minimum peak hour level of service (LOS) standard of D, based on the Florida Department of Transportation (FDOT) methodology for determination of LOS, as measured by peak hour traffic volume. The County shall maintain the level of service on County roads within five percent (5%) of LOS D. [9J-5.007(3)(c)]

##### **Policy 301.1.2**

For US-1, Monroe County hereby adopts a level of service (LOS) standard of C based on the methodology developed by the US-1 LOS Task Force and adopted by the Board of County Commissioners in August 1991, for analyzing the LOS on US-1 in Monroe County. This methodology replaces a peak hour volume standard for US-1. The level of service on US-1 shall be maintained within five percent (5%) of LOS C.

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**Objective 301.2**

Ensure that all roads have sufficient capacity to serve development at the adopted LOS standards concurrent with the impact of said development. [9J-5.0055(2)(c)7]

**Policy 301.2.1**

Monroe County, in coordination with the FDOT, shall continue the systematic traffic monitoring program initiated in March 1991, on an annual basis, to monitor peak season traffic volumes at permanent count stations and travel speeds on each of 24 study segments of US-1, and to determine the cumulative impact of development and through traffic. Monroe County shall use the methodology developed by the US-1 LOS Task Force composed of representatives from Monroe County, FDOT, and DCA for conducting this analysis and shall request that the Task Force update and refine the methodology's assumptions on a periodic basis when new data becomes available.

**Policy 301.2.2**

Monroe County shall not permit new development which, in combination with all other development, would significantly degrade the LOS below the adopted LOS standards. A five percent projected decrease in travel speeds is a significant degradation in the level of service on US-1. Traffic volume which exceeds the LOS D standard by more than five percent is a significant degradation in the level of service on any other road.

**Policy 301.2.3**

As approved by the County Commission on a case by case basis, Monroe County shall provide funding from gas taxes and impact fees to expedite FDOT projects required for concurrency management.

**Policy 301.2.4**

By January 4, 1998, Monroe County shall complete a study that considers the feasibility of improving portions of the old Overseas Highway into a series of frontage roads and alternative routes to US-1.

**Policy 301.2.5**

By January 4, 1998, Monroe County staff shall meet with FDOT to discuss programming the recommended TSM improvements on Plantation, Upper Matecumbe, and Big Pine Keys as identified in the Data and Analysis Section of the Traffic Circulation Element.

**Policy 301.2.6**

Monroe County shall cooperate with FDOT so as to prevent surplusing of FDOT properties which may ultimately be required for implementation of traffic circulation policies and goals.

**Policy 301.2.7**

Monroe County shall request that the FDOT revisit the analysis of US 1 through the west end of Marathon, and in coordination with citizen's groups, develop concept plans for resolving the traffic problems in that area.

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**Objective 301.3**

In order to provide for bicycle and pedestrian travel that is safe, convenient, and efficient, Monroe County shall provide four additional miles of bicycle and/or pedestrian paths by January 4, 2000. [9J-5.007(3)(b)1]

**Policy 301.3.1**

By January 4, 1997, Monroe County shall prepare a plan for coordinated bicycle path and pedestrian way improvements emphasizing access to schools, parks, and shopping centers.

**Policy 301.3.2**

By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations which require proportionate fair-share assessment impact fees, including the costs for building bicycle and pedestrian paths along US-1. [9J-5.007(3)(c)5]

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**Objective 301.4**

In order to coordinate the traffic circulation system with the future land uses shown on the Future Land Use Map, Monroe County shall implement the following policies. [9J-5.007(3)(b)2]

**Policy 301.4.1**

The capacity of US-1 in unincorporated Monroe County shall be limited to four lanes. Densities and intensities on the Future Land Use Map and allowed by the permit allocation system shall not exceed those that can be accommodated by the four lane limitation on US-1.

**Policy 301.4.2**

By January 4, 1997, Monroe County shall survey the trip length, trip purpose, and motorist profile characteristics for existing traffic at various points along US-1, in conjunction with the development of a long-range transportation plan computer model for the County.

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**Objective 301.5**

In order to provide a transportation system consistent with the 1986 Comprehensive Plan prepared pursuant to Chapter 380, F.S., Monroe County shall implement the following policies by January 4, 1997. [9J-5.007(3)(b)3]

**Policy 301.5.1**

The Land Development Regulations prepared pursuant to this comprehensive plan shall continue to ensure that development along the scenic corridors of US-1, CR-905, and Key Deer Boulevard provides the landscaping and setbacks necessary to minimize impacts on the visual environment.

**Policy 301.5.2**

The Land Development Regulations prepared pursuant to this comprehensive plan shall continue to include regulations to minimize the impacts of signs on the scenic beauty of Monroe County.

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**Objective 301.6**

In order to ensure the County's transportation plans are coordinated with the plans and programs of appropriate state agencies and local governments and are consistent with State and Federal regulations that require protection of environmental resources, Monroe County shall implement the following policies by the dates specified below. [9J-5.007(3)(b)3]

**Policy 301.6.1**

Each year, prior to the update of the FDOT Five Year Work Program, Monroe County staff shall meet with officials from FDOT District 6 to review FDOT proposals for and recommend additional improvements to US-1.

**Policy 301.6.2**

By January 4, 1998, Monroe County shall initiate interlocal agreements with Key West, Key Colony Beach, and Layton addressing coordination of concurrency management with oversight by the South Florida Regional Planning Council.

**Policy 301.6.3**

Consistent with the use of matching grant funds which have been obtained from the FDOT, Monroe County shall develop and implement the Florida Standard Urban Transportation Model Structure (FSUTMS) by January 4, 1998. Monroe County shall comply with the terms of this grant from the FDOT.

**Policy 301.6.4**

All roadway improvements shall be consistent with the policies of the Coastal Management and Conservation Element.

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**Objective 301.7**

In order to provide for the protection of existing and future rights-of-way, Monroe County shall implement the following policies by the dates specified below. [9J-5.007(3)(b)4]

**Policy 301.7.1**

By January 4, 1997, Monroe County shall provide specific right-of-way width information for the critical segment of US 1 in Monroe County to the FDOT where widening to four lanes is required to reduce hurricane clearance times. Further, Monroe County staff shall participate in right-of-way planning and preservation efforts including, but not limited to, the FDOT corridor-wide master plan for District 6.

**Policy 301.7.2**

By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations which prohibit unauthorized use of public rights-of-way. [9J-5.007(3)(c)4]

**Policy 301.7.3**

In recognition of the physical and environmental constraints that may affect the widening of US-1 to four lanes, those portions of US-1 shown as two lanes on the Future Traffic Circulation Map shall be limited to two lanes for the planning horizon. This policy shall not be construed so as to prohibit the addition of a third lane to be used as a continuous two-way turn lane for those segments with a demonstrated public safety risk if the third lane has been demonstrated to be the safest alternative. However, any such improvements identified on the Big Pine Key segment shall be deferred until the completion of a Habitat Conservation Plan for the island. Unless already shown, the addition of a continuous two-way turn lane shall require an amendment to the Future Traffic Circulation Map.

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**Objective 301.8**

In order to promote a safe, convenient, and efficient, motorized transportation system, Monroe County shall implement the following policies by the dates specified below. [9J-5.007(3)(c)1]

**Policy 301.8.1**

By January 4, 1997, Monroe County shall submit to the FDOT proposed access classifications for all segments of US-1, consistent with the guidelines established by the FDOT in Rule 14-97. Monroe County staff shall coordinate with the FDOT in preparing the final access classifications by meeting with FDOT staff, reviewing proposed changes to the county's access classifications, and participating in FDOT public hearings. The land development regulations prepared pursuant to this comprehensive plan shall ensure that future driveway and roadway connections to US 1 provide for shared driveway access and minimum use of new curb cuts, where appropriate, as provided in Rule 14-97 F.A.C. [9J-5.007(3)(c)2]

Until such time as the FDOT establishes permanent access standards pursuant to Rule 14-97, Monroe County shall continue to require the same roadway access standards that are currently contained in Section 9.5-421 through 9.5-425 of the Land Development Regulations, which are hereby incorporated by reference.

**Policy 301.8.2**

By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations to include guidelines and criteria consistent with nationally-recognized standards which provide for safe and convenient on-site traffic flow, adequate pedestrian ways and sidewalks, as well as sufficient on-site parking for both motorized and non-motorized vehicles. [9J-5.007(3)(c)3]



## **3.4 Mass Transit**

### **GOAL 401**

To provide a coordinated surface transportation system for transportation disadvantaged people within Monroe County and to encourage such a system for all residents and guests.

#### **Objective 401.1**

Monroe County shall encourage the provision of transit service for all residents to major trip generators. [9J-5.008(3)(b)1]

##### **Policy 401.1.1**

By December 31, 2006, Monroe County shall adopt Land Development Regulations requiring retail shopping facilities, offices and similar uses generating over two thousand (2,000) trips per day be built to accommodate mass transit by being designed to include such features as adequate turning radii for large vehicles, direct access to sheltered areas with seating that can serve as a bus stop and pedestrian access to adjacent properties.

##### **Policy 401.1.2**

Within twelve (12) months of the effective date of the Comprehensive Plan, Monroe County shall adopt land development regulations that favor the clustering of major trip generators and transit oriented uses.

##### **Policy 401.1.3**

Within twelve (12) months of the effective date of the Comprehensive Plan, Monroe County shall adopt land development regulations that encourage all developers to assist the transition to transit by such efforts as providing car pools, transit facilities, and pedestrian/bicycle paths.

##### **Policy 401.1.4**

Monroe County shall phase the development of complete transit services, and as an interim measure shall seek the provision of interim measures such as car pool services to the service population, major employers, dense residential areas, resort guests, and tourists.

##### **Policy 401.1.5**

Monroe County shall continue to seek funds for the transportation disadvantaged and other transit and paratransit operations from all applicable Federal, State, and other sources and shall continue to provide gas tax revenues to public transit and/or paratransit services.

##### **Policy 401.1.6**

Monroe County shall allocate funds collected from highway impact fees to capital expansions of public transit systems that relieve highway traffic or reduce the demand for additional highway capacity.

##### **Policy 401.1.7**

Monroe County shall encourage the operation of public and private transit and paratransit services and shall seek legislation to exempt transit facilities such as terminals and repair shops from the U.S. 1 concurrency requirements.

**Policy 401.1.8**

Due to the very narrow geography of the Florida Keys, limited U.S. 1 right-of-way and exclusive mass transit corridors and limited rate of growth, Monroe County will not establish measures for the acquisition and preservation of transit rights-of-way and exclusive mass transit corridors. [9J-5.008(3)(b)3 & (c)2]

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**Objective 401.2**

Monroe County shall ensure at the time a development permit is issued, adequate paratransit services are available to support the development at the adopted level of services standard concurrent with the impacts of such development. However, because transit services are not now provided throughout the county, transit services will not be required to be concurrent with development. [9J-5.008(3)(c)1]

**Policy 401.2.1**

Monroe County shall strive to continue to provide service to the transportation disadvantaged eight (8) hours each weekday upon twenty-four (24) hours of notice.

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**Objective 401.3**

Monroe County's Transportation Program shall provide services to the transportation disadvantaged and shall work in conjunction with the City of Key West's Port and Transit Authority, the Designated Official Planning Agency and the Florida Department of Transportation in coordinating the provision of paratransit services. [9J-5.008(3)(b)2]

**Policy 401.3.1**

Monroe County shall continue the Monroe County Transportation Program for operating transportation programs in coordination with the Local Planning Organization, Key West Port and Transit Authority, and the Florida Department of Transportation.

**Policy 401.3.2**

Monroe County shall work with the Local Planning Organization but shall not assume the designation of Community Transportation Coordinator or Designated Official Planning Agency due to the limited mission of the Monroe County Transportation Program.

**Policy 401.3.3**

Monroe County shall continue to seek funds for the transportation disadvantaged from all applicable Federal, State, Regional and other sources in order to provide service and maintain a modern fleet of paratransit vehicles.

**Policy 401.3.4**

Monroe County shall, through the Monroe County Transportation Program and Planning Department, annually review the Florida Department of Transportation 5-Year Plan.

### **3.5 Ports, Aviation and Related Facilities**

#### **GOAL 501**

Monroe County shall provide aviation facilities to all existing and future residents and guests in a manner that maximizes safety, convenience, economic benefit, environmental compatibility and consistency with other elements of the comprehensive plan. [9J-5.009(3)(a)]

#### **Objective 501.1**

Because of the Florida Key's unique nature as an archipelago, Monroe County shall promote the preservation of existing airports, airstrips, and related activities.

##### **Policy 501.1.1**

Monroe County shall establish aviation related land uses adjacent to the public airports and additionally prohibit intrusion into all airport zones. Within twelve months after the effective date of the Comprehensive Plan, Monroe County shall amend the Land Development Regulations to accomplish such. [9J-5.009(3)(c)5]

##### **Policy 501.1.2**

Monroe County shall continue to prohibit structures and activities that interfere with the operation of aircraft at airports and airstrips whether public or private. Such structures and activities include but are not limited to tall structures, smoke, tall trees, and electromagnetic radiation. Within twelve months after the effective date of the Comprehensive Plan, Monroe County shall adopt Land Use District or Zoning Maps depicting the control surfaces around public and private airports [9J-5.009(3)(c)5]

##### **Policy 501.1.3**

Within twenty-four months of the effective date of the Comprehensive Plan, Monroe County shall adopt an ordinance regulating the operation of ultralights, balloons, parachutes, kites, banner towing, model airplanes and similar activities within the proximity of the public airports or private airstrips. [9J-5.009(3)(c)5]

##### **Policy 501.1.4**

Monroe County shall continue to include existing airports and airstrips in airport land use districts that only permit airport related land uses.

##### **Policy 501.1.5**

Monroe County shall encourage the development of aviation facilities and activities that relieve the traffic on U.S. 1 or serve as an alternative to U.S. 1 as a means of delivering goods and services to the community.

##### **Policy 501.1.6**

Monroe County shall provide space at public airports for a wide variety of aviation activities in order to provide a wide variety of services to the community.

##### **Policy 501.1.7**

Figure 6.1, "Key West International Airport, Tall Structures & Airspace Boundaries" and Figure 6.2, "Marathon Airport, Tall Structures & Airspace Boundaries" in the Technical Document of this Plan, are hereby incorporated by reference.

#### **Objective 501.2**

The expansion of existing or new airport and airstrip facilities shall be coordinated with the future land use, coastal management, and conservation elements. [9J-5.009(3)(b)1]

**Policy 501.2.1**

The development and expansion of aviation and related facilities shall be consistent with the future land use, coastal management and conservation elements. [9J-5.009(3)(c)1]

**Policy 501.2.2**

The Marathon and Key West airports shall be expanded to be consistent with the needs identified in the updated master plan as approved by the Board of County Commissioners.

**Policy 501.2.3**

Development activities to construct or expand airport or airstrip facilities shall not take place in environmentally sensitive areas unless a viable alternative is not available. Mitigation and restoration shall occur when there is no other alternative than to disturb environmentally sensitive areas. [9J-5.009(3)(c)2 & 3]

**Policy 501.2.4**

By January 4, 1997, Monroe County shall adopt the Land Development Regulations to regulate structures over one hundred feet and to require the structures to be lit during the day and night. Whenever possible, such structures shall be located in close proximity to each other and away from populated areas so as to not pose a threat to aircraft providing aerial spraying for mosquito control. [9J-5.009(3)(c)2]

**Policy 501.2.5**

By 2000, Monroe County shall study the possible purchase of the land between the existing east property line of the Marathon Airport and 107th Street in order to eliminate potential airport hazards.

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**Objective 501.3**

Airports and airstrips shall operate in the manner to maximize safety and least adverse impact on the community.

**Policy 501.3.1**

Monroe County shall maintain the existing hammock along Aviation Boulevard as a buffer between the Marathon Airport and the residences to the north. [9J-5.009(3)(c)2 & 3]

**Policy 501.3.2**

Monroe County shall maintain and update the Key West International and Marathon Noise Exposure Maps and implement measures to minimize the adverse impacts of noise on the surrounding community. [9J-5.009(3)(c)2 and 5]

**Policy 501.3.3**

By January 4, 1997, Monroe County shall adopt Land Development Regulations to regulate new structures and the use of land within two hundred and fifty feet of the 65 LDN contour around public airports to reduce land uses susceptible to the adverse effects of airport noise. [9J-5.009(3)(c)2 and 5]

**Policy 501.3.4**

Facilities at public airports shall be built to meet or exceed federal, state, and local safety regulations as applicable.

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**Objective 501.4**

Monroe County shall coordinate surface transportation access to existing and new public airport facilities with the traffic circulation system shown on the traffic circulation maps. [9J-5.009(3)(b)2]

**Policy 501.4.1**

Expansion of airport or airstrip facilities or proposed facilities shall be coordinated with the necessary expansions to the traffic circulation system by requiring the access points to highways to be built to minimize adverse impacts on traffic operations. [9J-5.009(3)(c)4]

**Policy 501.4.2**

Access points to public airports shall be built to the specifications of Florida Department of Transportation and Monroe County Public Works Division, as applicable.

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**Objective 501.5**

Monroe County shall coordinate all aviation or related facilities with the plans of the Federal Aviation Administration, military services, resource planning and management plan prepared pursuant to Chapter 380, Florida Statutes and approved by the Governor and Cabinet, the Florida Department of Transportation 5-Year Plan, and the Continuing Florida Aviation System Planning Process as adopted. [9J-5.009(3)(b)3]

**Policy 501.5.1**

Monroe County shall continue to participate in the development of the Florida Department of Transportation 5-Year Plan, and the Continuing Florida Aviation System Planning Process.

**Policy 501.5.2**

Monroe County shall continue to maintain and update a master plan, and the Airport Layout Plan for each public airport pursuant to the rules of the Federal Aviation Administration.

**Policy 501.5.3**

All development on and expansions of existing public airports shall be done in accordance with the updated Master Plan of the airport.

**Policy 501.5.4**

Monroe County shall coordinate expansions and operation of the Key West airport with the U.S. Navy.

**Policy 501.5.5**

Monroe County shall seek joint use of the Boca Chica Naval Air Station or its preservation as a public airport if the U.S. Navy ceases to operate the base.

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**Objective 501.6**

Access routes to airports or related facilities shall be integrated with other modes of surface transportation. [9J-5.009(3)(b)4]

**Policy 501.6.1**

Monroe County shall provide space at public airports for surface transportation including but not limited to buses, limousines, taxi cabs, automobile rentals, and parking of private cars. [9J-5.009(3)(c)4]

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**Objective 501.7**

The publicly owned airports shall be financially supported without requiring the support of general property taxes.

**Policy 501.7.1**

All users of airport facilities and land including but not limited to passengers, tenants, private businesses, and non-airport related government entities, shall pay fair market prices for the use of the facilities or land.

**Policy 501.7.2**

Monroe County shall work with the Florida Department of Transportation and Federal Aviation Administration to secure airport improvement grants.

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**Objective 501.8**

All services to the public shall be provided at the lowest cost possible by encouraging business competition.

**Policy 501.8.1**

The manager of each public airport shall control surface transportation to assure adequate access to all companies and modes of transportation and thus encourage competition.

**Policy 501.8.2**

Monroe County shall seek to have at least three airlines operating at each public airport.

**Policy 501.8.3**

Monroe County shall consider the cost to consumers of goods and services when considering the issuance of monopolistic concessions at public airports.

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**Objective 501.9**

Monroe County shall be prepared to meet emergencies and rapidly changing circumstances in the Caribbean and the Gulf of Mexico.

**Policy 501.9.1**

By January 4, 1997, Monroe County shall adopt Land Development Regulations containing provisions for permitting development of aviation facilities during emergencies.

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**GOAL 502**

All existing and future residents and guests of Monroe County shall be served with ports in a manner that maximizes safety, convenience, economic benefit, environmental compatibility and consistency with other elements of the comprehensive plan. [9J-5.009(3)(a)]

**Objective 502.1**

Because of the Florida Key's unique nature as an archipelago, Monroe County shall promote the preservation and enhancement of the existing ports and port related activities.

**Policy 502.1.1**

Monroe County shall permit only port and port related land uses within the Safe Harbor/Peninsular port area of Stock Island. Within twelve months of the effective date of the Comprehensive Plan, Monroe County shall adopt Land Development Regulations and amend the Land Use District Maps to only permit those land uses including but not limited to commercial and industrial port dependent uses, industry, commercial fishing, marinas, and employee housing. [9J-5.009(3)(c)5]

**Policy 502.1.2**

Monroe County shall permit land uses supportive, complementary or otherwise port related nearby and adjacent to the Safe Harbor/Peninsular port area of Stock Island. Within twelve months of the effective date of the Comprehensive Plan, Monroe County shall adopt Land Development Regulations and amend the Land Use District Maps to only permit those uses, including but not limited to warehousing, industry, affordable housing, marine businesses, and restaurants. [9J-5.009(3)(c)5]

**Policy 502.1.3**

Monroe County shall encourage and facilitate the renovation and adaptation of existing port and related facilities to meet new maritime needs by seeking grants from available sources, assisting private business whenever possible, and adopting Land Development Regulations responsive to the unique requirements of a port within 24 months of the effective date of the Comprehensive Plan.

**Policy 502.1.4**

Monroe County shall facilitate port facilities that relieve traffic on U.S. 1 or serve as an alternative to U.S. 1 for delivering goods and services.

**Policy 502.1.5**

Monroe County shall support a proposal to amend the Coastal Barrier Resources System Map adopted by the Coastal Barrier Improvement Act of 1990, to delete the improved port property along the Safe Harbor entrance channel from the system unit, FL 57.

**Policy 502.1.6**

Within twelve months of the effective date of the Comprehensive Plan, Monroe County shall consider an ordinance allowing the Monroe County Department of Emergency Management to designate existing marinas on inhabited keys with full access to the road network to serve as emergency ports. Within twenty four months of the effective date of the Comprehensive Plan, Monroe County shall adopt Land Development Regulations or other mechanisms protecting designated sites.

**Objective 502.2**

The expansion of existing or new port facilities shall be coordinated with the future land use, coastal management, and conservation elements. [9J-5.009(3)(b)1]

**Policy 502.2.1**

The development, expansion or renovation of ports and related facilities shall be consistent with the future land use, coastal management and conservation elements. [9J-5.009(3)(c)1]

**Policy 502.2.2**

Monroe County shall mitigate the adverse structural and nonstructural impacts from ports or related facilities upon adjacent natural resources and land uses by:

1. Working with the United States Coast Guard to assure the channels into the Safe Harbor/Peninsular area on Stock Island are maintained with lighted buoys so as to protect adjacent shallow areas.
2. Requiring the provision of pollution control devices and plans at all ports and by seeking funds to retrofit existing private and public facilities. Whenever possible Monroe County shall expedite the granting of permits for these or other facilities designed to improve or protect the environment.
3. Requiring the restoration of the environment and elimination of pollution sources during development, expansion, or renovation of ports and related facilities. [9J-5.009(3)(c)1 & 2]

**Policy 502.2.3**

Development activities to construct or expand port facilities shall be directed away from environmentally sensitive areas. [9J-5.009(3)(c)2 & 3]

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**Objective 502.3**

Monroe County shall coordinate surface transportation access to port facilities with the traffic circulation system shown on the traffic circulation maps. [9J-5.009(3)(b)2]

**Policy 502.3.1**

Expansion of port facilities or proposed facilities shall be coordinated with the necessary expansions to the traffic circulation system. [9J-5.009(3)(c)4]

**Policy 502.3.2**

By January 4, 1997, Monroe County shall improve stormwater facilities on Fourth, Fifth, and Peninsular Avenues on Stock Island in order to prevent flooding.

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**Objective 502.4**

Monroe County shall coordinate all port or related facilities with the plans of the U.S. Army Corps of Engineers, Resource Planning and Management Plan prepared pursuant to Chapter 380, Florida Statutes and approved by the Governor and Cabinet, and the Florida Department of Transportation 5-Year Plan as adopted. [9J-5.009(3)(b)3]

**Policy 502.4.1**

Monroe County shall participate in the development of the Florida Department of Transportation 5-Year Plan.

**Policy 502.4.2**

Monroe County shall coordinate port related improvements with the Key West Port and Transit Authority (PATA) by designating a member of the staff of the Planning Department to act as a liaison with PATA.

**Policy 502.4.3**

Monroe County, through the directors of the Department of Environmental Resources and Marine Resources, shall encourage and participate in developing pollution response plans and facilities.

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**Objective 502.5**

Monroe County shall ensure that access routes to ports or related facilities are properly integrated with other modes of surface transportation. [9J-5.009(3)(b)4]

**Policy 502.5.1**

By January 4, 1997, Monroe County shall adopt land development regulations establishing design guidelines for development along truck routes and within twelve months of the effective date of the Comprehensive Plan Monroe County shall amend the Land Development Regulations defining permitted uses along truck routes. [9J-5.009(3)(c)5]

**Policy 502.5.2**

Monroe County shall support efforts to maintain the entrance channel into Safe Harbor at a depth consistent with coastal and Caribbean shipping vessels.

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**Objective 502.6**

Monroe County shall be prepared to meet emergencies and rapidly changing circumstances in the Caribbean and the Gulf of Mexico.

**Policy 502.6.1**

By January 4, 1997, Monroe County shall adopt Land Development Regulations containing provisions for permitting development of port facilities during emergencies.

## 3.6 Housing

### **GOAL 601**

Monroe County shall adopt programs and policies to facilitate access by all current and future residents to adequate and affordable housing that is safe, decent, and structurally sound, and that meets the needs of the population based on type, tenure characteristics, unit size and individual preferences. [9J-5.010(3)(a)]

#### **Objective 601.1**

By January 4, 1998, Monroe County shall complete initial implementation of the following defined policies, including establishment of a structured monitoring program, to reduce by 50% the current estimated affordable housing need for households in the very low and low income classifications (HUD definitions) 2002. [9J-5.010(3)(b)1 and 3]

##### **Policy 601.1.1**

Within one year of the effective date of this Plan, Monroe County shall complete an assessment of affordable and special housing needs utilizing detailed housing data from the 1990 U.S. Census and an assessment of target areas and population segments representing priority affordable housing needs as a basis for establishing specific quantifiable near and long-term affordable housing programs. Results of the assessment shall be used to update the Comprehensive Plan's affordable housing policies.

##### **Policy 601.1.2**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which establish a point system in conjunction with the permit allocation system for apportioning future development on an annual basis. The point system shall assign a positive point rating to affordable housing projects.

##### **Policy 601.1.3**

In conjunction with the Monroe County Housing Authority, assign Housing planning responsibilities within the County Planning Department by January 4, 1998. Examples of the Housing planning duties would include providing informational and technical assistance to the public on affordable housing programs, completing housing inventories and assessments, working to increase local utilization of state and federal funding programs, coordinating redevelopment plans, and serving as a liaison to the Monroe County Housing Authority. The County shall develop a Comprehensive Housing Affordability Strategy (CHAS) through the Planning Department in compliance with U.S. HUD guidelines in conjunction with the State of Florida CHAS, no later than January 1997.

##### **Policy 601.1.4**

Expand the County's participation in Federal and State housing assistance programs to rehabilitate owner and rental housing for low and moderate income residents by seeking grants, loans, and technical assistance in conjunction with the Monroe County Housing Authority by January 4, 1998. [9J-5.010(3)(c)7]

##### **Policy 601.1.5**

By January 4, 1998, Monroe County shall define programs to maximize opportunities for private sector involvement in the formation of community-based non-profit organizations to actively participate in the provision of low and moderate income affordable housing. [9J-5.010(3)(c)1]

##### **Policy 601.1.6**

By the effective date of this Plan, the Monroe County Land Authority shall compile a list of buildable properties owned or targeted for acquisition by the Land Authority which potentially could be donated or made available for affordable housing. This list will be updated annually and made available to the public. The guidelines established in Policies 601.1.13 and 601.1.14 shall be considered in the formulation of this list. [9J-5.010(3)(b)1, 3 & 5]

**Policy 601.1.7**

All affordable housing projects which receive development benefits from Monroe County, including but not limited to affordable housing points in the Permit Allocation System and donations of land, shall be required to maintain the project as affordable on a long-term basis pursuant to deed restrictions or other mechanisms specified in the Land Development Regulations, and administered by Monroe County or the Monroe County Housing Authority. For the purposes of developing such Land Development Regulations, the following guidelines shall apply:

“Moderate Income” is the amount which represents one hundred-twenty percent (120%) of the median annual household income for Monroe County.

“Low Income” is the amount which represents eighty percent (80%) of the median annual household income for Monroe County.

“Very Low Income” is the amount which represents fifty percent (50%) of the median annual household income for Monroe County.

“Cost-burdened” describes a household which pays a monthly rent or monthly mortgage payment, including taxes and insurance that exceeds thirty percent (30%) of the median annual household income for Monroe County.

**Policy 601.1.8**

If Monroe County funding, or if County-donated land is to be used for any affordable housing project, alternative sites shall be assessed according to the following guidelines:

1. The location of endangered species habitat, as specified on the most recent Protected Animal Species maps. Sites within known, probable, or potential threatened or endangered species habitat shall be avoided.
2. The environmental sensitivity of the vegetative habitat. The habitat sensitivity shall be determined according to the ranking specified in the Environmental Design Criteria section of the Land Development Regulations. Unless no feasible alternative is available, disturbed sites shall be selected.
3. The level of service provided in the vicinity for all public facilities. Areas which are at or near capacity for one or more public facility should be avoided.
4. Proximity to employment and retail centers. Sites within five miles of employment and retail centers shall be preferred. [9J-5.010(3)(c)(5)]

**Policy 601.1.9**

The County Growth Management Division and the County Housing Authority shall identify funding sources that could be made available to support community-based non-profit organizations such as Habitat for Humanity in their efforts to provide adequate housing at a cost affordable to low-income residents. [9J-5.010(3)(c)1]

**Policy 601.1.10**

The County shall strive to participate in the State Housing Incentives Partnership program as specified in the 1992 William Sadowski Affordable Housing Act. By January 4, 1997 Monroe County will adopt a Local Housing Assistance Ordinance which establishes a local housing partnership; a local housing trust fund; administrative responsibilities; and a Local Housing Advisory Committee. Thereafter, the County shall write and implement a Local Housing Assistance Plan and a Local Housing Incentives Plan as specified in the Act.

**Policy 601.1.11**

By the effective date of this Plan, Monroe County shall adopt Land Development Regulations which provide that twenty percent (20%) of residential building permits will be reserved for single or multi-family affordable housing. (See Technical Document, Section 7.2.1 and Future Land Use Policy 101.2.4) Affordable housing eligible for this separate allocation must meet the criteria established in the Land Development Regulations. [9J-5.010(3)(c)5]

**Policy 601.1.12**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which may include density bonuses, impact fee waiver programs, and other possible regulations to encourage affordable housing.

**Policy 601.1.13**

The Land Authority will coordinate with developers of affordable housing projects when land acquisition proposals or donation requests are submitted to the Land Authority. The Land Authority will acquire and donate land for projects if they are deemed appropriate and acceptable by the Land Authority as meeting the intent of:

1. the affordable housing provisions in the Land Authority's charter;
2. the goals, objectives and policies of this Plan; and
3. the land use designations specified on the Future Land Use Map and in the Monroe County Land Development Regulations. [9J-5.010(3)(b)1 & 3]

**Policy 601.1.14**

The Land Authority shall not list or donate lands as potential affordable housing sites if the lands exhibit any of the following characteristics:

1. Any portion of the land lies within a known, probable, or potential threatened or endangered species habitat, as specified on the most recent Protected Animal Species Maps; or
2. Any portion of the land within the area to be cleared contains Habitat Type/Habitat Quality Group 3 or 4, as specified in Policy 101.5.4, Section 6. [9J-5.010(3)(b)1 & 3]

**Policy 601.1.15**

Monroe County shall annually monitor the eligibility of the occupants of housing units which have received special benefits, including but not limited to those issued under the affordable housing provisions specified in the Land Development Regulations or those issued through the Permit Allocation System. If occupants no longer meet the eligibility criteria specified in Policy 601.1.11 and in the Land Development Regulations, and their eligibility period has not expired, then Monroe County may take any one or a combination of the following actions:

1. require the payment of impact fees, if they were waived;
2. proceed with remedial actions through the Department of Code Enforcement, as a violation of the Monroe County Code;
3. take civil court action as authorized by statute, common law, or via agreement between an applicant and the County; and/or
4. require the sale or rental of the unit(s) to eligible occupants.

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**Objective 601.2**

Monroe County shall adopt programs and policies to encourage housing of various types, sizes and price ranges to meet the demands of current and future residents. [9J-5.010(3)(b)1]

**Policy 601.2.1**

Public-private partnerships shall be encouraged to improve coordination among participants involved in housing production. In these efforts, the County will establish a comprehensive central depository for housing information located at the Monroe County Housing Authority and Growth Management Division for the coordination and cooperation among public and private agencies which collect and use housing data. [9J-5.010(3)(c)1]

**Policy 601.2.2**

By January 4, 1998, Monroe County shall produce a Planning Procedures Manual to ensure the timely dissemination and explanation of land development regulations. Thereafter, the Manual will be revised within three months of the date when subsequent Plan or Land Development Regulations amendments are approved. [9J-5.010(3)(c)4]

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**Objective 601.3**

By January 4, 1998, Monroe County shall increase implementation efforts to eliminate substandard housing and to preserve, conserve and enhance the existing housing stock, including historic structures and sites. [9J-5.010(3)(b)2 and 5]

**Policy 601.3.1**

Monroe County will establish ongoing procedures for monitoring housing conditions including coordination with other County agencies to prepare a housing condition update report by 1998. The housing condition reports will identify geographic areas of special concern based on observed conditions including inadequate sanitation, structural hazards, hazardous wiring, plumbing and mechanical equipment or other conditions endangering or potentially endangering the life, health, safety and welfare of the population. Standards for evaluation of the structural condition of the housing stock are summarized below: [9J-5.010(3)(c)3]

1. Sound: Most housing units in this category are in good condition and have no visible defects. However, some structures with slight defects are also included.
2. Deteriorating: A housing unit in this category needs more repair than would be provided in the course of regular maintenance, such as repainting. A housing unit is classified as deteriorating when its deficiencies indicate a lack of proper upkeep.
3. Dilapidated (Substandard): A housing unit in this category indicates that the unit can no longer provide safe and adequate shelter or is of inadequate original construction.

**Policy 601.3.2**

The County Code Enforcement Office and Building Department will enforce building code regulations and County ordinances governing the structural condition of the housing stock, to ensure the provision of safe, decent and sanitary housing and stabilization of residential neighborhoods. [9J-5.010(3)(c)2 and 4]

**Policy 601.3.3**

Monroe County will encourage expanded use of HUD rental rehabilitation programs by the Housing Authority to facilitate increased private reinvestment in housing (including historically significant housing) by providing information, technical assistance in applications for federal and state funding, or provide local public funds for rehabilitation purposes. [9J-5.010(3)(c)4 and 7]

**Policy 601.3.4**

Identification and improvement of historically significant housing will be encouraged by the Planning Department through the coordination of public information programs (See Policies 601.1.3, 601.2.2) defining benefits and improvement funding sources. [9J-5.010(3)(c)3]

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**Objective 601.4**

By January 4, 1998, Monroe County shall implement efforts to ensure that the Land Development Regulations do not prohibit sites in residential areas for the location of group homes and foster care facilities licensed or funded by the Florida Department of Health and Rehabilitative Services. (9J-5.010(3)(b)4)

**Policy 601.4.1**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which permit group homes and foster care facilities licensed or funded by the Florida Department of Health and Rehabilitative Services in all land use categories which permit residential development where consistent with other goals, objectives, and policies of this Comprehensive Plan. [9J-5.010(3)(c)6]

**Policy 601.4.2**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which include locational criteria for the establishment of housing for the elderly and institutional housing such as proximity to health care facilities and services, accessibility to public transportation and proximity to facilities providing essential goods and services as well as compatibility with adjacent land uses. [9J-5.010(3)(c) 6]

**Policy 601.4.3**

The County shall identify and evaluate alternative strategies to expand subsidized housing programs for elderly in Monroe County through coordination with the Monroe County Housing Authority, and encourage their development by private, community-based non-profit, or public entities, as well as public/private partnerships. [9J-5.010(3)(c)1]

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**Objective 601.5**

The County shall provide uniform and equitable treatment for persons and businesses displaced by state and local government programs, consistent with F.S. 421.55. [9J-5.010(3)(b)6]

**Policy 601.5.1**

By January 4, 1997, Monroe County shall adopt uniform relocation standards for displaced households. [9J-5.010(3)(c)8]

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**Objective 601.6**

By January 4, 1998, Monroe County shall formulate housing implementation programs corresponding to each of the specific objectives defined within this element, including:

1. the expansion of public information assistance;
2. incentive programs, to be implemented in conjunction with the Permit Allocation System, to promote the development of affordable and elderly housing; and
3. the elimination of substandard housing. [9J-5.010(3)(b)7]

**Policy 601.6.1**

By January 4, 1998, Monroe County shall establish monitoring criteria and procedures for housing implementation programs to be formulated as a result of the various objectives and policies set forth in this plan. [9J-5.010(3)(b)7]

## 3.7 Potable Water

### **GOAL 701**

Monroe County shall support FKAA in the fulfillment of their statutory obligation and authority to provide for a safe, high quality and adequate supply, treatment, distribution, and conservation of potable water to meet the needs of present and future residents. [9J-5.011(2)(a)]

### **Objective 701.1**

Monroe County shall ensure that at the time a development permit is issued, adequate potable water supply, treatment, and distribution facilities are available to support the development at the adopted level of service standards concurrent with the impacts of such development. [9J-5.011(2)(b)2]

### **Policy 701.1.1**

Monroe County hereby adopts the following level of service standards to achieve Objective 701.1 and shall use these standards as the basis for determining facility capacity and the demand generated by a development. [9J-5.011(2)(c)2d]

### **Level of Service Standards**

1. Quantity:

Residential LOS	66.50 gal./capita/day
Non-Residential LOS	0.35 gal./sq. ft./day
Overall LOS	100.00 gal./capita/day
Equivalent Residential Unit (2.24 average persons per household x 66.5 gallons/capita/day)	149.00 gallons per day
2. Minimum Pressure:  
20 PSI at customer service
3. Minimum Potable Water Quality:  
Shall be as defined by the U.S. Environmental Protection Agency. (Part 143-National Secondary Drinking Standards, 40 CFR 143, 44FR 42198)

### **Policy 701.1.2**

Monroe County will encourage FKAA to pursue a goal of decreasing unaccounted for water to 13 percent or lower by replacing deficient transmission and distribution lines and implementing meter improvements by the year 2005. Obtaining this goal will result in the following projected potable water consumption: [9J-5.011(2)(c)3; 9J-5.013(2)(c)4]

Residential Consumption	57.00 gal./capita/day
Non-Residential Consumption	0.29 gallons/sq ft/day
Overall Consumption	86.00 gal./capita/day

### **Policy 701.1.3**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which provide a Concurrency Management System (See Capital Improvements Policy 1401.4.5). The Concurrency Management System shall ensure that no permits will be issued for new development unless adequate potable water supply, treatment, and distribution facilities needed to support the development at the adopted level of service standards are available concurrent with the impacts of development. [9J-5.011(2)(c)1]

**Policy 701.1.4**

The Concurrency Management System adopted in accordance with Policy 701.1.3 shall specify procedures for updating facility demand and capacity information, utilizing data provided by the FCAA as potable water facilities are installed or upgraded. [9J-5.011(2)(c)1]

**Policy 701.1.5**

Monroe County shall amend the potable water quantity level of service upon attainment of the goal level of service as indicated in Policy 701.1.2.

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### **Objective 701.2**

In coordination with Monroe County, the FKAA shall:

1. maintain a five year schedule of capital improvement needs for potable water supply, treatment and distribution, as identified through and in accordance with Policy 701.2.2;
2. identify responsible parties and agencies; and
3. identify time frames for completion.
4. The schedule will be updated annually consistent with Capital Improvements Policy 1401.1.2, and in accordance with the FKAA's annual budget process. [9J-5.011(2)(b)1 and 2]

### **Policy 701.2.1**

The Florida Keys Aqueduct Authority (FKAA) shall continue to address the future needs of potable water supply, treatment and distribution facilities and evaluate options to satisfy these needs. FKAA and Monroe County shall evaluate and rank proposed capital improvement projects, on the basis of delivery cost and other factors, considered for inclusion in the five-year schedule of capital improvement needs in accordance with the criteria contained in Policy 701.2.2 as well as the Goals, Objectives, and Policies of the Comprehensive Plan. [9J-5.011(2)(c)1 and 2]

### **Policy 701.2.2**

Proposed capital improvement projects shall be evaluated and ranked according to the following priority level guidelines: [9J-5.011(2)(c)1 and 2]

**Level One** - Whether the project is consistent with the FKAA's enabling legislation.

**Level Two** - Whether the project is needed to protect public health and safety, provide facilities and services, or to preserve or achieve full use of existing facilities.

**Level Three** - Whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement costs, provides service to developed areas lacking full service, or promotes in-fill development.

**Level Four** - Whether the project represents a logical extension of facilities and services within a designated service area.

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**Objective 701.3**

Monroe County and the FKAA shall work cooperatively with the South Florida Water Management District (SFWMD), Dade County, and the Cities of Layton, Key Colony Beach and Key West to ensure the protection and availability of an adequate raw water supply at the Florida City Wellfield to meet the needs of Monroe County through the year 2010.

**Policy 701.3.1**

In coordination with Monroe County, the FKAA shall, as necessary, renew the Florida City Wellfield consumptive use permit issued by SFWMD. Alternative water sources such as reverse osmosis, cisterns and water re-use shall be evaluated and the most feasible solution implemented in the event that the necessary withdrawals from the Biscayne Aquifer are limited. [9J-5.011(2)(c)1; 9J-5.013(2)(c)4]

**Policy 701.3.2**

The Monroe County Growth Management Division shall provide technical assistance to the FKAA for the consumptive use permitting process. This technical assistance shall include providing information regarding future land use growth patterns, population trends, growth management policies and demand projections to ensure consistency between the FKAA permitting process and the Monroe County Comprehensive Plan. [9J-5.011(2)(c)1; 9J-5.013(2)(c)4]

**Policy 701.3.3**

The Monroe County Growth Management Division shall annually supply FKAA and SFWMD with the Concurrency Management Report prepared in accordance with Capital Improvements Policy 1401.4.9. These annual reports shall include the latest information on land use, population trends, and growth management policies as well as facility capacity analyses using data supplied by service providers. [9J-5.011(2)(c)1; 9J-5.013(2)(c)4]

**Policy 701.3.4**

Monroe County shall continue to reserve the right to review and comment on the SFWMD plans, such as water supply, cost, needs and sources, and water conservation plans, as they are developed.

**Policy 701.3.5**

Monroe County shall continue to coordinate with the Cities of Layton, Key Colony Beach and Key West and FKAA as necessary to facilitate systemwide compatibility on such potable water-related issues as potable water levels of service, consumption projections, water conservation programs, and emergency management.

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**Objective 701.4**

Monroe County shall work cooperatively with Dade County to encourage land use planning and development controls which shall protect the recharge area of the Florida City Wellfield from potential sources of groundwater contamination. [9J-5.011(2)(b)5; 9J-5.013(2)(b)2]

**Policy 701.4.1**

Protection of the Florida City Wellfield shall be accomplished through continued implementation of the Dade County Wellfield Protection Ordinance and the SFWMD Water Supply Policy Document. [9J-5.011(3)(c)1 and 4; 9J-5.013(2)(c)9]

**Policy 701.4.2**

By January 4, 1998, Monroe County shall seek an interlocal agreement with FCAA and Dade County. This agreement shall provide Monroe County with an opportunity to comment on land use and regulatory issues related to the Florida City Wellfield, aquifer and aquifer recharge area. It shall set forth procedures for review of land use and regulatory activities identified as having potentially significant impacts on the aquifer recharge and water supply systems especially concerning hazardous waste generation. Criteria for determination of significant impacts shall be included in the interlocal agreement. [9J-5.011(3)(c)1 and 4; 9J-5.013(2)(c)9]

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**Objective 701.5**

FKAA shall supply adequate operating pressures in the transmission and distribution system to meet the adopted level of service standard specified in Policy 701.1.1(2) for the customer service connection. [9J-5.011(2)(b)1]

**Policy 701.5.1**

FKAA shall continue to maintain the transmission network and construct improvements to continue to provide a minimum operating pressure of 20 PSI at customer service. [9J-5.011(2)(c)2]

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**Objective 701.6**

The FKAA shall continue to implement provisions to increase potable water storage through the Aquifer Storage Recovery System. [9J-5.011(2)(b)2]

**Policy 701.6.1**

By January 4, 1997, Monroe County shall, by resolution, support the development by FKAA of a total system storage capacity equal to 10 days of treated water flow at 50% of the annual average daily flow by the year 2005. [9J-5.011(2)(c)2d]

**Policy 701.6.2**

By January 4, 1997 Monroe County shall, by resolution, support the FKAA in their efforts to continue to develop an Aquifer Storage Recovery System, to aid in the provision of adequate storage capacity for emergency purposes. [9J-5.011(2)(c)1 and 2]

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**Objective 701.7**

The FCAA shall continue to provide emergency service during electric power outages to the greatest extent feasible. [9J-5.011(2)(b)1]

**Policy 701.7.1**

In the event of a power outage, the emergency diesel pumps will deliver 15.6 MGD at 125 PSI during emergency conditions while the treatment plant will be operated by a 1,000 KVA diesel generator. [9J-5.011(2)(c)(2)d]

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**Objective 701.8**

FKAA shall improve its capacity to provide for fire flows in the areas outlined in Policy 701.8.1 to ensure the protection of the public health, welfare and safety. [9J-5.011(2)(b)1]

**Policy 701.8.1**

By the year 2000, the FKAA, in accordance with its Capital Improvements Program, shall continue to upgrade the distribution system toward the goal of providing fire flow capabilities in the following areas:

Proposed Fire Flow Areas:

1. Key West and Stock Island (current fire flow areas)
2. Everywhere on US 1, except non-developable areas
3. Ocean Reef
4. Key Colony Beach
5. Layton
6. Marathon
7. Duck Key
8. Tavernier

Proposed Fire Flow Requirements by Land Use Zone:

- |  |           |
|--|-----------|
| 1. Suburban Residential                                  | 750 GPM   |
| 2. Mobile Home, Recreational Vehicle                     | 1,500 GPM |
| 3. Urban Commercial, Suburban Commercial, and Commercial | 2,000 GPM |

All commercial facilities not along US 1 shall provide "on site" fire abatement, as currently required. In all other areas the FKAA aqueduct system shall not be considered even as a future primary fire abatement source. However, all line upgrades shall be designed and constructed so as to provide approximately 250 GPM to extreme locations. [9J-5.011(2)(c)1 and 2]

**Policy 701.8.2**

By January 4, 1997, the Monroe County Office of the Fire Marshall, in accordance with the FKAA, shall develop fire districts for subsequent implementation if feasible. [9J-5.011(2)(c)1]

**Policy 701.8.3**

Since fire flow improvements in the areas identified by Policies 701.8.1 and 701.8.2 will result in significant fire insurance premium reductions for affected areas, charges for fire flow improvements in these areas shall be charged to these areas only, as opposed to general system absorption of such charges. [9J-5.011(2)(c)1]

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**Objective 701.9**

Monroe County shall continue to assist the FCAA with water conservation efforts and assist in implementing the FCAA's Water Conservation Plan consistent with SFWMD's Water Shortage Plan and Water Conservation Program. The County shall implement Policies 701.9.1 to further conserve potable water use. [9J-5.011(2)(b)4; 9J-5.013(2)(b)2]

**Policy 701.9.1**

By January 4, 1997, the Monroe County Growth Management Division, with input from the FCAA and SFWMD, and other affected organizations shall adopt Land Development Regulations, which implement a xeriscape landscape ordinance, a permanent irrigation ordinance, and plumbing fixture efficiency standards consistent with the mandatory elements of the FCAA Water Conservation Plan and the SFWMD Model Landscape Code for South Florida. Prior to the adoption of the xeriscape landscape ordinance, permanent irrigation ordinance and plumbing efficiency standards, drafts of these ordinances and standards will be submitted to the SFWMD for review and comment, and when applicable the recommendations will be incorporated in the water conservation measures. [9J-5.011(2)(c)3; 9J-5.013(2)(c)4]

**Policy 701.9.2**

During the development of updated Land Development Regulations in accordance with Policy 701.9.1, the Monroe County Growth Management Division and FCAA shall evaluate building codes, utility regulations, landscaping ordinances, and public education programs for implementation of water conservation measures. [9J-5.011(2)(c)3; 9J-5.013(2)(c)4]

**Policy 701.9.3**

In accordance with its Water Conservation Plan, the FCAA shall, with input from Monroe County, continue to implement a leak detection program and a conservation rate structure. Monroe County and the FCAA, with input from the SFWMD and other affected organizations, shall formulate and initiate implementation of a joint public education program for water conservation. [9J-5.011(2)(c)3; 9J-5.013(2)(c)4]

**Policy 701.9.4**

Monroe County and the FCAA shall continue to comply with SFWMD water use restrictions including all Phase I and Phase I (modified) water use restrictions when water shortages are declared by the SFWMD. [9J-5.011(2)(c)3; 9J-5.013(2)(c)4]

**Policy 701.9.5**

Monroe County shall coordinate with the Florida Health and Rehabilitative Services (HRS) to permit utilization of grey water storage systems and utilization for all exterior irrigation and flushing purposes. Upon receipt of authorization from HRS, policies shall be developed to implement the use of grey water storage systems where economically feasible. [9J-5.011(2)(c)3; 9J-5.013(2)(c)4]

**Policy 701.9.6**

Monroe County shall permit and encourage rainwater storage facilities for all household uses such as irrigation, car, patio, and boat washing, at a minimum. [9J-5.011(2)(c)3; 9J-5.013(2)(c)4]

**Policy 701.9.7**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which establish a Permit Allocation and Point System for new residential and non-residential development (See Future Land Use Objectives 101.2, 101.3, and 101.5 and supporting policies). In developing the Point System, Monroe County shall consider assigning a

positive point rating to developments utilizing alternative water collection systems such as cisterns, grey water reuse systems and wastewater treatment plant effluent reuse which conserve potable water supply. [9J-5.011(2)(c)3; 9J-5.013(2)(c)4]

**Policy 701.9.8**

As the water conservation measures set forth in Policies 701.9.1 through 701.9.7 are implemented, Monroe County shall re-evaluate the adopted potable water levels of service through the evaluation and appraisal report process as set forth in Chapter 163.3191 F.S.

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**Objective 701.10**

In coordination with the FKAA, Monroe County shall continue to maximize the use of existing facilities and discourage urban sprawl through implementation of Potable Water Policies 701.10.1 through 701.10.5. [9J-5.011(2)(b)3]

**Policy 701.10.1**

By January 4, 1998, Monroe County shall evaluate existing FKAA policies related to identification and adoption of capital improvements. Improvements consistent with achieving Objective 701.10 shall be incorporated into Monroe County's annual Concurrency Management Report prepared in accordance with Capital Improvements Policy 1401.4.9. [9J-5.011(2)(c)1]

**Policy 701.10.2**

All FKAA facility expansions shall be consistent with the Future Land Use Map, the Goals, Objectives, and Policies of the Comprehensive Plan, and adopted levels of service. [9J-5.011(2)(c)1]

**Policy 701.10.3**

Monroe County shall review and comment on the FKAA Capital Improvements Plan for Comprehensive Plan consistency prior to inclusion in the annual Concurrency Management Report prepared in accordance with Capital Improvements Policy 1401.4.9. [9J-5.011(2)(c)1]

**Policy 701.10.4**

The FKAA, through its fee schedule, shall continue to assess charges for new units for meter fees, tapping fees, service charges and water main extension costs in order to promote maximizing the use of existing facilities and discouraging urban sprawl. [9J-5.011(2)(c)1]

**Policy 701.10.5**

The FKAA shall continue its policy of not providing for water connection services in National Wildlife Refuge areas or hardwood hammock areas within its jurisdiction as specified in FKAA's enabling legislation and the FKAA Policy and Procedure Handbook, Chapter 48-7. [9J-5.011(2)(c)1]



## **3.8 Solid Waste**

### **GOAL 801**

Monroe County shall provide for the adequate collection, disposal and resource recovery of solid waste in an environmentally sound and economically feasible manner to meet the needs of present and future County residents. [9J-5.011(2)(a)]

#### **Objective 801.1**

Monroe County shall ensure that solid waste collection service and disposal capacity is available to serve development at the adopted level of service standards, concurrent with the impacts of such development. [9J-5.011(2)(b)2]

##### **Policy 801.1.1**

Monroe County hereby adopts the following level of service standards to achieve Objective 801.1, and shall use these standards as the basis for determining facility capacity and the demand generated by a development. [9J-5.011(2)(c)2]

##### **Level of Service Standards:**

1. Collection Frequency:  
Residential: a minimum of one time per two weeks – domestic refuse  
a minimum of one time per two weeks - yard trash  
Commercial: by contract
2. Disposal Quantity:  
5.44 pounds per capita per day or 12.2 pounds per day per ERU  
(Equivalent Residential Unit)  
  
Haul Out Capacity:  
95,000 tons per year or 42,668 ERUs.
3. Duration of Capacity:  
Sufficient capacity shall be available at a solid waste disposal site to accommodate all existing and approved development for a period of at three from the projected date of completion of the proposed development or use

##### **Policy 801.1.2**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which provide a Concurrency Management System (See Capital Improvements Policy 1401.4.5). The Concurrency Management System shall ensure that no permits will be issued for new development unless adequate solid waste collection and disposal facilities needed to support the development at the adopted level of service standards are available concurrent with the impacts of development. [9J-5.011(2)(c)1]

##### **Policy 801.1.3**

All improvements for replacement, expansion or increase in capacity of solid waste collection and disposal facilities shall be compatible with the adopted level of service standards for the facilities. [9J-5.011(2)(c)2]

##### **Policy 801.1.4**

Monroe County shall rely upon public and/or private solid waste collection systems, with the County providing for solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the County excluding the City of Key West. [9J-5.011(2)(c)1]

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**Objective 801.2**

Monroe County shall maintain a five-year schedule of capital needs for solid waste collection and disposal as part of the County Capital Improvements Program, identify responsible parties and agencies, and identify time frames for improvement/completion. This program shall be updated annually consistent with Capital Improvements Policy 1401.1.2 and in conjunction with the County's annual budget process to ensure economic feasibility. [9J-5.011(2)(b)1 and 2]

**Policy 801.2.1**

Proposed capital improvement projects shall be evaluated and ranked according to the following priority level guidelines:

**Level One** - whether the project is needed to protect public health and safety, to fulfill the County's commitment to provide facilities and services, or to preserve or achieve full use of existing facilities.

**Level Two** - whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement costs, provides service to developed areas lacking full service, or promotes infill development.

**Level Three** - whether the project represents a logical extension of facilities and services within a designated service area. [9J-5.011(2)(c)1]

**Policy 801.2.2**

Projects to correct existing deficiencies shall be undertaken in accordance with the Five-Year Schedule of Capital Improvements provided in the Capital Improvements Element, and shall be given priority in the formulation and implementation of the annual work programs of the County. [9J-5.011(2)(c)1]

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**Objective 801.3**

By January 4, 1998, Monroe County shall implement solid waste disposal methods which meet the projected demands for disposal. These disposal demands shall be met either by continuation of the County's current haul out contract with Waste Management, Inc. (WMI), or by other means as determined by the Monroe County Department of Environmental Management. [9J-5.011(2)(b)2]

**Policy 801.3.1**

The Solid Waste Task Force or other appropriate committee shall continue in an advisory capacity to the Board of County Commissioners on all solid waste matters. [9J-5.011(2)(c)1]

**Policy 801.3.2**

By January 4, 1998, Monroe County shall support a Solid Waste and Resource Recovery Authority for the management of the Monroe County solid waste program through either the public sector or privatization system. [9J-5.011(2)(c)1]

**Policy 801.3.3**

The Cudjoe Expansion landfill shall remain open for emergency landfilling capabilities or future use. The Key Largo, Long Key and Old Cudjoe landfills shall continue to undergo the Florida Department of Environmental Regulation (DER) landfill closure process. [9J-5.011(2)(c)1]

**Policy 801.3.4**

Monroe County shall continue to support City of Key West's efforts to provide their own solid waste management through the use of the most cost-effective and environmentally sound technology. [9J-5.011(2)(c)1]

**Policy 801.3.5**

By January 4, 1997, Monroe County, through the Department of Environmental Management, shall complete preliminary engineering and environmental assessments for a sludge, septage and/or leachate treatment and disposal facility on Crawl Key. [9J-5.011(2)(c)1]

**Policy 801.3.6**

By January 4, 1998 Monroe County, through the Department of Environment Management, shall construct a sludge, septage, and/or leachate treatment and disposal facility on Crawl Key. [9J-5.011(2)(c)1]

**Policy 801.3.7**

Through 1995, and subject to extension, Monroe County shall contract for the haul-out disposal of solid waste including wet garbage, yard waste and construction debris (minimum of 75,000 up to a maximum of 95,000 tons per year), with the vendor responsible for processing construction debris. [9J-5.011(2)(c)2b]

**Policy 801.3.8**

Monroe County, through the Department of Environmental Management, shall investigate and review for County implementation the latest available technology for resource recovery and other alternative solid waste management technologies to meet the solid waste processing and disposal needs beyond 1995. Particular attention shall be given to the environmental effects and cost of such technologies. [9J-5.011(2)(c)1]

**Policy 801.3.9**

By January 4, 1997, Monroe County shall select a long-term disposal and processing method that will handle the solid waste for the unincorporated county, Key Colony Beach and Layton, and will begin the development process for additional facilities if necessary. [9J-5.011(2)(c)1]

**Policy 801.3.10**

By January 4, 1998, Monroe County shall implement solid waste disposal methods to meet the projected disposal needs beyond 1995 either through continuation of the WMI haul out contract or through the installation and initiation of alternative solid waste disposal facilities developed in accordance with Policy 801.3.8. [9J-5.011(2)(c)1]

**Policy 801.3.11**

By January 4, 1997, Monroe County shall update the provisions of Sec. 9.5-494 of the Monroe County Land Development Regulations in order to ensure that sufficient impact fee revenues are available to finance future solid waste facility needs.

**Policy 801.3.12**

Monroe County shall establish an interim policy to avoid consideration of new facility siting involving incineration technology until current DER public health and environmental impact studies are completed and new DER standards for incineration facilities are adopted.

**Policy 801.3.13**

Monroe County shall consider the environmental sensitivity of land and the location of coastal high hazard areas in the siting of new solid waste facilities. [9J-5.011(1)(f)3]

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**Objective 801.4**

Monroe County shall achieve a 30 percent diversion rate of the municipal solid waste stream by January 4, 1998 and a 40 percent diversion rate by the year 2000 through recycling. [9J-5.011(2)(b)2]

**Policy 801.4.1**

By January 4, 1997, Monroe County shall assess collection practices, net material recovery, program costs and public participation, and rates of curbside collection pilot programs. The results of this assessment shall be considered in the design and implementation of a subsequent, county-wide, mandatory, curbside recycling program for residential and commercial locations. [9J-5.011(2)(c)1]

**Policy 801.4.2**

By January 4, 1997, Monroe County shall evaluate the Master Recycler Program to determine its success and continued applicability in achieving the state mandated recycling goal. [9J-5.011(2)(c)1]

**Policy 801.4.3**

By January 4, 1997, Monroe County shall implement a county-wide mandatory curbside recycling program, unless an alternate method of recycling is put in place in conjunction with the disposal method selected pursuant to policies 801.3.8 and 801.3.9. [9J-5.011(2)(c)1]

**Policy 801.4.4**

At select locations, the Department of Environmental Management (DEM) shall continue to implement and expand, as necessary, drop-off collection programs which shall supplement the curbside collection program, and facilitate participation by properties which are not equipped to participate in the curbside collection programs. [9J-5.011(2)(c)1]

**Policy 801.4.5**

Monroe County, in coordination with any contracted private collection and disposal service providers, shall continue to separate yard waste from the solid waste stream, process the yard waste into mulch, offer the mulched product at a minimum of two sites in the Keys, and market the mulched product. [9J-5.011(2)(c)1]

**Policy 801.4.6**

Until January 1, 1996, Monroe County, through the provisions of the solid waste haul out contract, shall continue to operate the preprocessing and material recovery facilities which separate yard, wood, construction and demolition debris. After January 1, 1996, when the current haul out contract expires, preprocessing and material separation shall be continued or alternative methods shall be implemented. [9J-5.011(2)(c)1 and 2b]

**Policy 801.4.7**

Monroe County shall continue to furnish holding areas for abandoned autos and white goods, and contract out for the crushing, baling and transport of abandoned autos and white goods out of the County. [9J-5.011(2)(c)1]

**Policy 801.4.8**

Monroe County shall continue to separate construction and demolition debris and shall separate at least 50% of the newspaper, aluminum cans, glass, and plastic bottles from the waste stream and offer them for recycling by January 4, 1998. [9J-5.011(2)(c)1]

**Objective 801.5**

Monroe County shall undertake activities which support existing state and federal laws pertaining to the handling, transportation and disposal of hazardous wastes. [9J-5.011(2)(b)1 and 2; 9J-5.012(3)(b)2; 9J-5.013(2)(b)2 and 10]

**Policy 801.5.1**

Monroe County shall continue the hazardous materials Amnesty Day Program. [9J-5.011(2)(c)1; 9J-5.013(2)(c)10]

**Policy 801.5.2**

The Monroe County Public Safety Division and the Department of Environmental Management shall continue to identify the location of all hazardous materials in the County and shall have plans prepared, such as the Monroe County Peacetime Emergency Plan, for containment, cleanup, public notification, and fire control, consistent with federal, state, and county mandates. [9J-5.011(2)(c)1; 9J-5.013(2)(c)10]

**Policy 801.5.3**

Inspection measures shall continue to be utilized at Monroe County landfills and transfer facilities to eliminate household generated hazardous wastes from the waste stream. [9J-5.011(2)(c)1; 9J-5.013(2)(c)10]

**Policy 801.5.4**

By January 4, 1997, Monroe County shall amend the Building Code to require storage and containment requirements for those structures utilizing hazardous materials. Containment requirements shall include, but not be limited to, construction of impervious floors, without drains, to insure containment and facilitate the cleanup of any spill or leak. [9J-5.011(2)(c)1; 9J-5.013(2)(c)10]

**Policy 801.5.5**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which address the location of all hazardous waste "small quantity generators" with respect to adjacent uses. Criteria for the location of hazardous waste small quantity generators will be specifically indicated as allowed/prohibited by individual county zoning designation. [9J-5.011(2)(c)1; 9J-5.013(2)(c)10]

**Policy 801.5.6**

By January 4, 1998, the Monroe County Building Department shall provide copies of the certificates of occupancy to the Department of Environmental Management and the Monroe County Fire Department to notify them when buildings or sites become occupied by hazardous materials users and potential hazardous waste generators, as identified on the DEM listing, are issued certificates of occupancy. [9J-5.011(2)(c)1; 9J-5.013(2)(c)10]

**Policy 801.5.7**

By January 4, 1998, Monroe County shall participate in a Region-wide hazardous waste program consistent with the SFRPC Regional Comprehensive Policy Plan. [9J-5.011(2)(c)1; 9J-5.013(2)(c)10]

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**Objective 801.6**

Monroe County shall increase intergovernmental coordination efforts with the Department of Community Affairs (DCA), the Department of Environmental Regulation (DER), the South Florida Regional Planning Council (SFRPC), and the County's municipalities to develop and implement the most cost-effective and environmentally sound methods of regional solid waste management. [9J-5.011(2)(b)3]

**Policy 801.6.1**

Monroe County shall continue to manage the collection, transportation, recycling and disposal of solid waste for the cities of Key Colony Beach and Layton, as stipulated in the County's long-term interlocal agreements with these cities. In the event that the City of Key West's waste reduction and on-site disposal facilities no longer fulfill the City's solid waste needs, Monroe County shall negotiate with the City of Key West regarding consolidation of the City and County solid waste management processes. [9J-5.011(2)(c)1]

**Policy 801.6.2**

Monroe County shall continue coordination efforts with the Department of Environmental Regulation (DER) and other involved federal and state agencies to pursue funding for the implementation of the goals, objectives, and policies of this element. [9J-5.011(2)(c)1]

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**Objective 801.7**

Monroe County shall continue to promote public awareness of the initiatives to recycle and reduce the solid waste stream.

**Policy 801.7.1**

Monroe County shall continue its long-term recycling goals and programs, including public participation and educational programs, under the direction of the Monroe County Environmental Management Director. [9J-5.011(2)(c)1]

**Policy 801.7.2**

Monroe County shall continue to promote recycling by the retail sector and hospitality industry by conducting recycling audits and Business Recycling Workshops. [9J-5.011(2)(c)1]

**Policy 801.7.3**

Monroe County shall seek to reduce the solid waste stream by 10% by the year 2000 through public awareness efforts.

## **3.9 Sanitary Sewer**

### **GOAL 901**

Monroe County shall provide for the adequate, economically sound collection, treatment, and disposal of sewage which meets the needs of present and future residents while ensuring the protection of public health, and the maintenance and protection of ground, nearshore, and offshore water quality. [9J-5.011(2)(a)]

#### **Objective 901.1**

Monroe County shall ensure that, at the time a development permit is issued, adequate sanitary wastewater treatment and disposal facilities, including wastewater treatment facilities and onsite sewage treatment and disposal systems, are available to support the development at the adopted level of service standards, concurrent with the impacts of such development. [9J-5.011(2)(b)1 and 2]

#### **Policy 901.1.1**

Monroe County shall ensure that at a time a development permit is issued, adequate sanitary wastewater treatment and disposal facilities are available to support the development at the adopted level of service standards, concurrent with the impacts of such development. [9J-5.011(2)(c)2]

#### **Permanent Level of Service Standards**

- (A) The permanent level of service standards for wastewater treatment in Monroe County are as provided in House Bill 1993 adopted by the 1999 Legislature.
- (B) The County and the State shall actively engage in an educational program to reduce demand for phosphate products.
- (C) The County shall require mandatory pump-out of septic tanks and require regular reports from qualified contractors to ensure proper septic disposal.

#### **Policy 901.1.2**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which provide a Concurrency Management System (See Capital Improvements Policy 1401.4.5). The Concurrency Management System shall ensure that no permits will be issued for new development unless adequate sanitary wastewater treatment and disposal facilities needed to support the development at the adopted level of service standards are available concurrent with the impacts of development. [9J-5.011(2)(c)2]

#### **Policy 901.1.3**

All improvements for replacement, expansion, or increase in capacity of sanitary wastewater treatment and disposal facilities shall be compatible with the adopted level of service standards for the facilities. [9J-5.011(2)(b)1]

#### **Policy 901.1.4**

Issuance of development permits shall be contingent upon the submission of permits demonstrating compliance with applicable federal, state, and local permit regulations for wastewater treatment and disposal facilities. [9J-5.011(2)(c)]

**Policy 901.1.5**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which establish a Permit Allocation and Point System for new residential and non-residential development (See Future Land Use Objectives 101.2, 101.3, and 101.5 and supporting policies). In developing the Point System, Monroe County shall consider assigning a positive point rating to developments which utilize wastewater treatment and disposal systems operating above the adopted level of service standards. [9J-5.011(2)(c)1]

**Policy 901.1.6**

By January 4, 1998, Monroe County shall adopt permanent level of service standards for package treatment plants and OSDS based on the findings of the Sanitary Wastewater Master Plan and shall amend the Land Development Regulations to include these standards. [9J-5.011(2)(c)2]

**Policy 901.1.7**

By January 4, 1997, Monroe County, through the Department of Environmental Management, shall complete preliminary engineering for a sludge, septage and/or leachate treatment and disposal facility on Crawl Key. [9J-5.011(2)(c)1]

**Policy 901.1.8**

By January 4, 1998, Monroe County, through the Department of Environmental Management, shall construct a sludge, septage, and/or leachate treatment and disposal facility on Crawl Key. [9J-5.011(2)(c)1]

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**Objective 901.2**

Monroe County, in conjunction with HRS, shall correct existing facility deficiencies by requiring the elimination of cesspools and the improvement of failing septic tanks and package treatment plants as necessary to meet state and county standards.

**Policy 901.2.1**

By the effective date of this Plan, HRS, in coordination with Monroe County and possibly private service providers, shall develop and initiate an inspection/compliance program for On-Site Disposal Systems (OSDS). The inspection/compliance program will correct facility deficiencies in two phases. Phase I shall address illegal OSDS (cesspools and unpermitted septic tanks.) Phase II shall address the ongoing inspection of legally permitted OSDS. An OSDS shall be considered deficient if it does not meet or exceed the level of service standards set forth in Policy 901.1.1, or does not meet the applicable state standards set forth in Rules 10D-6 and 17-600, F.A.C. [9J-5.011(2)(c)1]

**Policy 901.2.2**

Monroe County shall develop and implement siting and discharge regulations, fee requirements, and enforcement provisions designed to reduce pollutant discharges into surface waters from moored/anchored vessels (liveaboards) in nearshore waters. (See Conservation and Coastal Management Objective 202.4 and supporting policies.) [9J-5.011(2)(c)1]

**Policy 901.2.3**

By the effective date of this Plan, Monroe County shall enter into an interlocal agreement with HRS to specify the responsibilities and procedures for the OSDS inspection/compliance program.

**Policy 901.2.4**

By the effective date of this Plan, Monroe County shall adopt an ordinance which specifies the implementation procedures for the OSDS inspection/compliance program. The ordinance shall include authorization for HRS to inspect wastewater treatment systems on private property in the interest of public health, safety and welfare.

**Policy 901.2.5**

Within two years of the initiation of Phase I, HRS shall complete Phase I of the OSDS inspection/compliance program. In this phase, HRS, in coordination with Monroe County, shall:

1. identify cesspools;
2. require the replacement of cesspools with permitted wastewater treatment systems;
3. require the abandonment of cesspools, using a method approved by HRS, to prevent further use;
4. identify septic tank systems suspected of being illegal or substandard;
5. inspect septic tank systems suspected of being illegal or substandard for compliance with current state and county regulations;
6. require the upgrading and/or replacement of substandard, unpermitted OSDS with wastewater treatment systems that meet current state and county regulations; and

7. initiate enforcement action on all illegal OSDS systems.

**Policy 901.2.6**

By January 4, 1998 HRS shall initiate Phase II of the OSDS inspection/compliance program. In this phase, HRS, in coordination with Monroe County, shall:

1. inspect all permitted OSDS, beginning with septic tanks which are over three years old;
2. require inoperative or deficient systems to come into compliance with appropriate state and local regulations;
3. issue operating permits for systems which are in compliance with appropriate state and local regulations;
4. require the inspection and renewal of operating permits for septic tanks every five years; and
5. require the inspection and renewal of operating permits for aerobic treatment units as required by state law.

**Policy 901.2.7**

Property owners shall be required to have septic tanks pumped out by a licensed service provider at the time of each inspection.

**Policy 901.2.8**

OSDS which are identified as deficient in Phase I or II of the inspection/compliance program shall be required to upgrade their sewage system to meet HRS and County regulations within 180 days of notification of the violation. The variance procedure specified in Rule 10D-6.045, F.A.C. shall be available for those property owners who cannot meet current state and local OSDS requirements.

**Policy 901.2.9**

Program costs of Phase I of the inspection/compliance program may be funded through federal and state sources. Program costs of Phase II shall be funded by a special assessment through the Municipal Service District special taxing district. The property owner shall be responsible for funding the replacement and/or improvement of illegal systems and the repair of inoperative systems.

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### **Objective 901.3**

By January 4, 1997, Monroe County, through adoption of Land Development Regulations including a Permit Allocation System for new residential and non-residential development, shall ensure the maximum use of existing wastewater treatment facilities to discourage the proliferation of urban sprawl. [9J-5.011(2)(b)3]

#### **Policy 901.3.1**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which establish a Permit Allocation and Point System for new residential and non-residential development (See Future Land Use Objectives 101.2, 101.3, and 101.5 and supporting policies). In developing the Point System, Monroe County shall consider assigning a positive point rating to developments which connect to existing wastewater treatment facilities, utilize a water reuse system, and meet or exceed adopted level of service standards. [9J-5.011(2)(c)1]

#### **Policy 901.3.2**

The priorities for the extension and replacement of wastewater collection, treatment and disposal facilities shall be based upon the following priority level guidelines:

**Level One** - Whether the project is needed to protect public health and water quality, provide facilities and services, or to preserve or achieve full use of existing facilities.

**Level Two** - Whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement costs, provides service to developed areas lacking full service or promotes infill development.

**Level Three** - Whether the project represents a logical extension of facilities and services within a designated service area. [9J-5.011(2)(c)2]

#### **Policy 901.3.3**

Monroe County shall maintain a five-year schedule of capital needs for wastewater treatment and disposal as part of the County Capital Improvements Program. This program shall be updated annually consistent with Capital Improvements Policy 1401.1.2 and in conjunction with the County's annual budget process to ensure economic feasibility. [9J-5.011(2)(c)1]

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**Objective 901.4**

By December 31, 1998, Monroe County shall prepare a Sanitary Wastewater Master Plan to determine the required levels of service and type of treatment for all developed and undeveloped areas in Monroe County with the intent to establish more stringent nutrient limiting standards based on the best available data and analysis of the maximum loads that can be tolerated by the county's nutrient sensitive waters and ecosystems without short or long term adverse impacts, as necessary to prevent degradation and ensure improvement of ground, confined, nearshore and offshore waters to levels that are demonstrated to support healthy, diverse, and productive populations of fish and other marine resources. The interim levels of service for sanitary sewer shall be superseded as relevant components of the Master Plan are adopted. [9J-5.011(2)(b)1 and 2, 9J-5.011(2)(c)1, 9J-5.013(2)(b)2, 9J-5.013(2)(c)1,5, and 6, 9J-5.015(3)(b)1, 9J-5.016(4)(a)]

**Policy 901.4.1**

By the effective date of the plan, Monroe County shall determine who will participate in the preparation of a Sanitary Wastewater Master Plan. The County shall coordinate with the Florida Keys Aqueduct Authority (FKAA), the State of Florida Departments of Environmental Regulation (DER) and Health and Rehabilitative Services (HRS) and the United States Environmental Protection Agency (EPA) at a minimum concerning joint preparation and funding of the Master Plan. [9J-5.011(2)(c)1]

**Policy 901.4.2**

By January 4, 1997, Monroe County shall amend the Building Code to require notification of property owners issued building permits that hook up to central sewer facilities will be required within one year should such facilities become available or be required as part of changes in state law or in LOS. [9J-5.011(2)(c)1]

**Policy 901.4.3**

By January 4, 1997, Monroe County shall initiate a program of testing alternative OSDS systems under actual operating conditions in order to ascertain the feasibility of widespread application of such systems with nutrient removal capabilities higher than standard septic systems. [9J-5.011(2)(c)1]

**Policy 901.4.4**

By the effective date of this Plan, Monroe County shall enter into an agreement with EPA, DER, SFWMD and NOAA regarding the scope of studies required to document pollutant loads from OSDS, cesspits, package treatment plants, and other point and non-point sources on the Florida Keys into surrounding waters. These studies shall be executed according to the terms of the agreement, in coordination with the Water Quality Protection Program for the Florida Keys National Marine Sanctuary. Upon execution of this agreement, the scope of the Sanitary Wastewater Master Plan shall be adjusted accordingly. (See Conservation and Coastal Management Policy 202.1.1.) [9J-5.011(2)(c)1]

**Policy 901.4.5**

By January 4, 1998, Monroe County shall adopt Land Development Regulations which establish density criteria for OSDS based on site specific constraints and prescribe the types of systems to be utilized based upon the results of the Sanitary Wastewater Master Plan. [9J-5.011(2)(c)1]

**Policy 901.4.6**

Upon adoption of the Sanitary Wastewater Master Plan by January 4, 1998, the minimal operational standards for package plants, collection systems, pump stations, and disposal wells shall be those contained in the adopted Master Plan. [9J-5.011(2)(c)2]

**Policy 901.4.7**

As part of the Sanitary Wastewater Master Plan, an inventory of all wastewater treatment plants and OSDS areas shall be completed which identifies:

1. the entity having operational responsibility;
2. current rated plant capacity;
3. existing treatment status (number and type of hookups);
4. all future committed capacity (number and type of hookups);
5. all facilities which fall below level of service standards identified in the Master Plan;
6. costs associated with improving those facilities to meet minimum level of service standards;
7. funding sources and construction schedules for those improvements; and
8. average and peak flow design capacity for sanitary sewer facilities. [9J-5.011(2)(c)2a]

**Policy 901.4.8**

Upon adoption of the Sanitary Wastewater Master Plan, the County shall seek legislative action to amend the Florida Administrative Code Chapter 10D-6 to require HRS to administer and enforce the adopted standard for wastewater treatment. [9J-5.011(2)(c)1]

**Policy 901.4.9**

In the event Central Sewer Service becomes available (as defined by Chapter 10D-6) to areas served by OSDS, owners of OSDS within such areas shall have 365 days to connect to the central system. [9J-5.011(2)(c)1]

**Policy 901.4.10**

In coordination with FCAA, DER, EPA, NOAA, or other appropriate agencies, Monroe County shall prepare and distribute annual reports indicating the status of the Sanitary Wastewater Master Plan. [9J-5.011(2)(c)1]

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**Objective 901.5**

Monroe County shall regulate land use and development to conserve potable water, and protect the functions of natural drainage features and groundwater from the impacts of sewer systems. [9J-5.011(2)(c)4]

**Policy 901.5.1**

By January 4, 1997, in conjunction with the development of the Sanitary Wastewater Master Plan, the County shall initiate an interlocal agreement with the DER and other state and federal agencies to develop a water quality monitoring program. The program shall identify and analyze the individual and cumulative impacts of development, especially wastewater treatment systems, and establish remedial actions to correct identified deficiencies which degrade nearshore water quality. Monroe County shall consider and utilize to the furthest extent possible, the management plan being developed by NOAA under the direction of DER and EPA. All monitoring procedures shall be approved by the DER and EPA for compliance with Quality Assurance requirements (F.A.C., 17-160 and 40 CFR Part 136), to ensure that proper quality control guidelines are followed during data collection and reporting. [9J-5.011(2)(c)1]

**Policy 901.5.2**

By January 4, 1998, the existing and/or available results of the comprehensive water quality monitoring program shall be analyzed and reported to document specific problem areas which may be in violation of federal or state standards or which may be defined through scientific study, as a threat to the continued maintenance of high levels of water quality or to specified biotic communities. Upon confirmation of any problem areas, priorities for the construction of alternate wastewater facilities shall be reevaluated, within the context of the Monroe County Sanitary Wastewater Master Plan, with those areas in greatest need given highest priority. [9J-5.011(2)(c)1]

**Policy 901.5.3**

By January 4, 1998, or upon availability of the conclusions of the Sanitary Wastewater Master Plan related to threshold designations and minimum performance standards for OSDs, Monroe County, in cooperation with the appropriate state and federal agencies, shall adopt and incorporate into the Monroe County Land Development Regulations threshold designation criteria and minimum performance standards which further the protection of water quality. Concurrently, the County, in cooperation with State agencies, shall process a Comprehensive Plan amendment to incorporate these criteria and standards into the County's level of service (LOS) standards. [9J-5.011(2)(c)2]

**Policy 901.5.4**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which ensure that sewage disposal facilities shall be designed and located in a manner that in the event of power failure, untreated effluent will not be discharged into any surface body of water, groundwater or any wetland. [9J-5.011(2)(c)1]

**Policy 901.5.5**

By January 4, 1997, Monroe County, in cooperation with the appropriate State permitting agencies, shall adopt Land Development Regulations which ensure that sewage disposal facilities are sited such that any discharge point, whether by shallow or deep well, is located as far as possible from any surface body of water and any FCAA Aquifer Storage Recovery area while still adhering to other setback requirement established by Chapter 10D-6, F.A.C. [9J-5.011(2)(c)1]

**Policy 901.5.6**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which require that OSDS drainfields be located on the least environmentally sensitive portion of a parcel proposed for development when more than one habitat type is found within the parcel, the criteria for which shall be defined within the adopted Land Development Regulations.

**Policy 901.5.7**

Pending the completion and implementation of the ADID or other similar functional analysis, Monroe County shall prohibit the use of OSDS in buttonwood, salt marsh or wetland area and require the provision of a buffer between OSDS and wetlands. Following the completion of the ADID or other similar revised functional analysis, but no later than January 4, 1999, Monroe County shall determine whether OSDS may be used in disturbed wetlands based on functional assessment and shall adopt Land Development Regulations to further implement this policy.

**Policy 901.5.8**

Monroe County shall ensure that wastewater treatment facilities are designed and constructed in accordance with the adopted levels of service, so as to limit the discharge or introduction of pollutants into nearshore waters. [9J-5.011(2)(c)2]

**Policy 901.5.9**

By January 4, 1998, Monroe County, as part of the Sanitary Wastewater Master Plan shall continually investigate the potential for reuse/recycling of treated wastewater. The Master Plan shall set forth the requirements for the types and locations of developments which shall be required to utilize a water reuse system. [9J-5.011(2)(c)1]

**Policy 901.5.10**

Monroe County, in conjunction with appropriate federal, state and regional agencies, shall continue to minimize or eliminate the use of products which contain phosphorous in the County. [9J-5.011(2)(c)1]

**Policy 901.5.11**

By January 4, 1998, Monroe County, during the development of the Sanitary Wastewater Master Plan shall consider and evaluate advanced wastewater treatment as a first option for sewage treatment in the construction, expansion, or replacement of central sewer systems including package treatment. Monroe County shall require the consideration and evaluation of effluent reuse consistent with F.A.C. Rule 17-610 as a first option for effluent disposal. [9J-5.011(2)(c)2]

**Policy 901.5.12**

By January 4, 1998, all public and privately-owned upland areas shall be inventoried and evaluated to determine the feasibility of these lands for effluent reuse. [9J-5.011(2)(c)1]

**Policy 901.5.13**

By January 4, 1997, Monroe County, in coordination with DER, shall begin to evaluate the use of hazardous household products including herbicides and pesticides to assess their impacts on sewer facilities and adjacent natural resources, and shall seek, through educational programs, to eliminate the use of any such products identified as creating adverse impacts. [9J-5.011(2)(c)1]

**Policy 901.5.14**

Monroe County shall revise the Land Development Regulations to incorporate the conclusions and recommendations of the EPA's water quality protection program as those findings become available.

**Policy 901.5.15**

The Florida Department of Environmental Regulation and the HRS shall continue their inspection and monitoring program for sewage treatment plants, including package treatment plants. DER shall enforce current state regulations and require the timely improvement or replacement of those systems which do not comply with current regulations as specified in Rule 17-600 F.A.C.

**Policy 901.5.16**

The following facility design and siting standards shall apply to sewage treatment plants:

1. All new and expanding plants shall set the discharge point back from surface water a minimum of one hundred feet. This shall apply to plants utilizing either injection wells or drainfields.
2. All Class V injection wells (as defined by Florida Statutes and the Florida Administrative Code) shall be drilled to a minimum open hole of ninety feet in depth and cased and grouted to a minimum of sixty feet in depth.
3. All sewage plants except aerobic plants shall provide for wastewater reuse whenever feasible and in compliance with Rule 17-610, F.A.C.

**Policy 901.5.17**

The minimum required setbacks for zoning districts, as specified in the Land Development Regulations, may be waived to accommodate wastewater treatment plant expansion where it can be demonstrated that:

1. the expansion is required to bring an existing plant up to current state and county standards or is required to resolve a violation of either of these standards; and
2. there is no other practical alternative such as construction of a new plant.

**Policy 901.5.18**

All existing development shall connect to public treatment plants where available within one year of the date of plant start-up.

## 3.10 Drainage

### **GOAL 1001**

Monroe County shall provide a stormwater management system which protects real and personal properties, and which promotes and protects ground and nearshore water quality. [9J-5.011(2)(a)]

#### **Objective 1001.1**

Monroe County shall ensure that at the time a development permit is issued, adequate stormwater management facilities are available to support the development at the adopted level of service standards concurrent with the impacts of such development. [9J-5.011(2)(b)1]

#### **Policy 1001.1.1**

Water Quality Level of Service Standards - Minimum Water Quality:

1. All projects shall be designed so that the discharges will meet Florida State Water Quality Standards as set forth in Chapters 17-25 and 17-302, F.A.C, incorporated herein by reference. In addition, all projects shall include an additional 50% of the water quality treatment specified below, which shall be calculated by multiplying the volumes obtained in Section (a) by a factor of 1.5, Retention/Detention Criteria (SFWMD Water Quality Criteria 3.2.2.2):
  - a) Retention and/or detention in the overall system, including swales, lakes, canals, greenways, etc., shall be provided for one of the three following criteria or equivalent combinations thereof:
    - (1) Wet detention volume shall be provided for the first inch of runoff from the developed project, or the total runoff of 2.5 inches times the percentage of imperviousness, whichever is greater.
    - (2) Dry detention volume shall be provided equal to 75 percent of the above amount computed for wet detention.
    - (3) Retention volume shall be provided equal to 50 percent of the above amounts computed for wet detention.
  - b) Infill residential development within improved residential areas or subdivisions existing prior to the adoption of this comprehensive plan must ensure that its post-development stormwater run-off will not contribute pollutants which will cause the runoff from the entire improved area or subdivision to degrade receiving water bodies and their water quality as stated above.
  - c) New Development and Redevelopment projects which are exempt from the South Florida Water Management District permitting process shall also meet the requirements of Chapter 40-4 and 40E-40, F.A.C.

#### **Policy 1001.1.2**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which provide a Concurrency Management System (See Capital Improvements Policy 1401.4.5). The Concurrency Management System shall ensure that no permits will be issued for new development unless adequate stormwater management facilities needed to support the development at the adopted level of service standards are available concurrent with the impacts of development. [9J-5.011(2)(c)2]

**Policy 1001.1.3**

By January 4, 1997, Monroe County shall adopt a Stormwater Management Ordinance which establishes level of service standards for the quality and quantity of stormwater discharges for single family residential development and redevelopment which utilizes Best Management Practices and Design Guidelines in their implementation (See Natural Groundwater Aquifer Recharge Policy 1101.2.4).

**Policy 1001.1.4**

By January 4, 1997, in conjunction with the adoption of the Stormwater Management Ordinance, all improvements for replacement, expansion or increase in capacity of drainage facilities shall conform to the adopted level of service criteria for new development. [9J-5.011(2)(c)1]

**Policy 1001.1.5**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which ensure county review of all development permits for compliance with adopted stormwater management design criteria prior to approval by the issuing agency. [9J-5.011(2)(c)1]

**Policy 1001.1.6**

By January 4, 1998, in conjunction with the development of the Stormwater Management Master Plan, Monroe County shall complete an inventory and analysis of existing public and private drainage facilities within the County. (See Objective 1001.3 and related policies) [9J-5.011(2)(c)1] Note: Monroe County recognizes its obligations under the stipulated settlement agreement but practicality of timeframe implementations may require modifications of agreement date premises.

**Policy 1001.1.7**

By January 4, 1997, Monroe County shall work with the SFWMD through the existing interlocal agreement to adopt and implement appropriate stormwater quality evaluation and estimation criteria and techniques for incorporation into the County's Stormwater Management Ordinance and Land Development Regulations. [9J-5.011(2)(c)4]

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**Objective 1001.2**

The County shall maintain a five-year schedule of capital improvement needs for drainage facilities as part of the County Capital Improvements Program. This program shall be updated annually consistent with Capital Improvements Policy 1401.1.2 and in conjunction with the County's annual budget process to ensure economic feasibility. [9J-5.011(2)(b)1; 9J-5.011(2)(b)2]

**Policy 1001.2.1**

Proposed stormwater capital improvements projects shall be evaluated and ranked according to the following priority level guidelines, with special attention to the position of the project in the Monroe County Seven Year Road Plan:

**Level One** - Whether the project is needed to protect public health and safety, to fulfill the County's legal commitment to provide facilities and services, to protect sensitive environmental areas from documented or anticipated adverse impacts, or to preserve or achieve full use of existing facilities.

**Level Two** - Whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement costs, provides service to developed areas lacking full service, or promotes infill development.

**Level Three** - Whether the project represents a logical extension of facilities and services within a designated service area. [9J-5.011(2)(c)1]

**Policy 1001.2.2**

Projects needed to correct existing deficiencies shall be given priority in the formulation and implementation of the annual work program for the responsible County department. Specific priority will be given to those existing drainage problems which are determined to have the greatest adverse effect on groundwater and nearshore waters or areas designated as Outstanding Florida Waters. [9J-5.011(2)(c)1]

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**Objective 1001.3**

By January 4, 1998, Monroe County, in coordination with SFWMD and DER, shall complete a comprehensive Stormwater Management Master Plan which ensures that stormwater management facilities are developed to attain adopted levels of service for all existing and proposed land uses. [9J-5.011(2)(c)1 and 5] Note: Monroe County recognizes its obligations under the stipulated settlement agreement but practicality of timeframe implementations may require modifications of agreement date premises.

**Policy 1001.3.1**

By January 4, 1998, Monroe County, in coordination with the SFWMD and DER, shall complete a detailed engineering study of drainage in the unincorporated sections of the Florida Keys. Funding for the development of the Stormwater Management Master Plan shall be identified by January 4, 1997, and shall be incorporated into the Capital Improvements Element. This study shall include an inventory of stormwater conveyance, treatment and discharge systems, both natural and manmade, and the capacity, treatment efficiency, and estimated pollutant loading of each system. The effects of pollutant loading, including the effects on freshwater lenses and recharge areas, will also be assessed. The study shall consider the unique hydrogeological characteristics of the Keys, and their effects on stormwater runoff and pollutant loading. Upon completion of the Stormwater Management Plan, Monroe County shall amend the comprehensive plan to include implementation of the recommendations contained in the Management Plan. [9J-5.011(2)(c)1.4 and 5] Note: Monroe County recognizes its obligations under the stipulated settlement agreement but practicality of timeframe implementations require modifications of agreement date premises.

**Policy 1001.3.2**

By the effective date of this Plan, Monroe County shall enter into an agreement with EPA, DER, SFWMD and NOAA regarding the scope of studies required to document pollutant loads from stormwater runoff from the Florida Keys into surrounding waters. These studies shall be executed according to the terms of the agreement, in coordination with the Water Quality Protection Program for the Florida Keys National Marine Sanctuary. Upon execution of this agreement, the scope of the Stormwater Management Master Plan shall be adjusted accordingly. (See Conservation and Coastal Management Policy 202.1.1.) [9J-5.011(2)(c)1,4 and 5; 9J-5.012(3)(c)1,3 and 13; 9J-5.013(2)(c)1]

**Policy 1001.3.3**

By January 4, 1998, the County shall evaluate the performance of stormwater management systems which are to be installed in accordance with the Stormwater Management Ordinance. This performance evaluation will be based upon physical sampling and analysis of the discharge water of these structures. [9J-5.011(2)(c)4]

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**Objective 1001.4**

By January 4, 1998, Monroe County shall coordinate with the appropriate regional agencies and adjacent local governments to address regional drainage issues. [9J-5.011(2)(b)2]

**Policy 1001.4.1**

Monroe County shall, as necessary, enter into interlocal agreements with Dade, Broward and Collier Counties, and with agencies having regional oversight over drainage issues, such as SFWMD and the ACOE. These agreements shall be designed to:

1. protect the functions of natural drainage features that impact the quality of the waters surrounding the Florida Keys; and
2. coordinate the extension or increase in capacity of any interjurisdictional drainage facilities which are necessary to meet the future needs of Monroe County. [9J-5.011(2)(c)4]

**Policy 1001.4.2**

Prior to any revision of drainage policies and ordinances, Monroe County shall meet with the SFWMD and the SFRPC to ensure that the local regulatory framework is consistent with the planning objectives and regulations of the region.



### **3.11 Natural Groundwater Aquifer Recharge**

#### **GOAL 1101**

Monroe County shall protect the quality and quantity of water in the potable water aquifer and in the freshwater lens systems so as to ensure public health, conserve the public water supply, and preserve ecosystems dependent upon freshwater. [9J-5.011(2)a]

#### **Objective 1101.1**

Monroe County shall work cooperatively with Dade County to encourage land use planning and development controls which shall protect the recharge area of the Florida City Wellfield from potential sources of groundwater contamination. (See Potable Water Objective 701.4 and related policies.) [9J-5.011(2)(b)5]

#### **Objective 1101.2**

By January 4, 1998, Monroe County shall map the freshwater lens systems and associated recharge areas in the Florida Keys and shall adopt regulations which protect the lenses from loss of recharge potential and from threats of groundwater contamination. [9J-5.011(2)(b)5; 9J-5.013(2)(b)2]

#### **Policy 1101.2.1**

By January 4, 1997, Monroe County shall adopt a Stormwater Management Ordinance. This ordinance shall establish level of service standards for the quality and quantity of stormwater discharges. The ordinance shall encourage use of site-specific natural drainage features to the maximum extent possible before utilizing structural stormwater control. The protection of freshwater lens recharge areas, and associated freshwater wetlands where identified, shall be of primary concern in design of a development project. [9J-5.011(2)(c)4; 9J-5.013(2)(b)1 and 9]

#### **Policy 1101.2.2**

Monroe County shall undertake activities which shall reduce pollutant entry into groundwater, summarized as follows:

1. Monroe County shall develop and implement permitting, inspection and enforcement procedures designed to reduce pollutant discharges into groundwater from:
  - a) on-site disposal systems (See Sanitary Sewer Goal 901 and related objectives and policies);
  - b) secondary sewage treatment plants and injection wells (See Sanitary Sewer Goal 901 and related objectives and policies); and
  - c) stormwater runoff (See Drainage Element Objective 1001.3 and related policies);
  - d) Monroe County shall immediately take actions to promote mosquito control techniques which will reduce the entry of pollutants from aerial pesticide applications into groundwater (See Conservation and Coastal Management Objective 202.11 and related policies);
  - e) Monroe County HRS Unit shall continue to undertake activities designed to reduce pollutant discharges into ground and surface waters from

aboveground and underground fuel storage tanks (See Conservation and Coastal Management Objective 202.12 and related policies); and

- f) Monroe County shall undertake activities which support existing state and federal laws pertaining to the handling, transportation and disposal of hazardous wastes (See Solid Waste Objective 801.5 and related policies.) [9J-5.011(2)(c)4; 9J-5.012(3)(b)2; 9J-5.013(2)(b)1,2,9 and 10]

**Policy 1101.2.3**

By January 4, 1997, Monroe County shall initiate an interlocal agreement with the USFWS and SFWMD to map and evaluate the freshwater lenses of the Florida Keys and their associated recharge areas. Previously conducted studies by the National Audubon Society Research Department, Southern Illinois University, and the SFWMD will be utilized to the greatest extent possible. An analysis of the condition of the lenses shall also be completed.

Mapped data shall be entered into the County's Geographic Information System. [9J-5.011(2)(c)4; 9J-5.013(2)(b)1 and 9]

**Policy 1101.2.4**

Pending completion of the freshwater lens study, Monroe County shall continue to restrict the percentage of impervious surfaces on development sites through application of the Open Space Requirements in the Land Development Regulations. These regulations shall be met or exceeded in order to minimize impervious areas and to protect freshwater lens recharge areas. [9J-5.011(2)(c)4; 9J-5.013(2)(b)1 and 9]

**Policy 1101.2.5**

Upon completion of the freshwater lens and recharge area mapping and evaluation, the County shall consider altering the open space ratios, and other development regulations to protect the quantity and quality of groundwater in the freshwater lens systems. The County shall also assign a negative point rating in the Point System for developments proposed in freshwater lens recharge areas. [9J-5.011(2)(c)4; 9J-5.012(3)(b)2; 9J-5.013(2)(b)1,2,9 and 10]

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**Objective 1101.3**

By the year 2000, the use of well water in the Florida Keys for public consumption and commercial use shall be phased out in order to ensure the health and safety of the public and to ensure the preservation of the existing freshwater lens system. [9J-5.011(2)(b)5; 9J-5.013(2)(b)2]

**Policy 1101.3.1**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which prohibit new wells for drawing water from the freshwater lens systems for private residential and private commercial purposes in the Florida Keys. Exceptions shall be allowed for wells for approved periodic water testing. [9J-5.011(2)(c)4; 9J-5.013(2)(b)1 and 9)

**Policy 1101.3.2**

By January 4, 1998, in conjunction with the development of the Sanitary Wastewater Master Plan, Monroe County shall identify existing wells used for drawing water for private residential and private commercial purposes. [9J-5.011(2)(c)4; 9J-5.013(2)(b)1 and 9]

**Policy 1101.3.3**

The use of existing wells shall be phased out in accordance with the availability of adequate, affordable, alternative potable water sources.

## 3.12 Recreation and Open Space

### **GOAL 1201**

Monroe County shall provide a recreation and open space system to conserve valuable natural resources and to provide recreational opportunities adequate to serve the present and future population of Monroe County, including permanent residents and visitors. [9J-5.014(3)(a)]

#### **Objective 1201.1**

Monroe County shall ensure that at the time a development permit is issued, adequate park and recreation lands and facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development. [9J-5.013(2)(b)3]

#### **Policy 1201.1.1**

Monroe County hereby adopts the following level of service standards to achieve Objective 1201.1, and shall use these standards as the basis for determining recreation land and facility capacity:

Level of Service Standards for Neighborhood and Community Parks:

1. 0.82 acres per 1000 functional population of passive, resource-based neighborhood and community parks; and
2. 0.82 acres per 1000 functional population of activity-based neighborhood and community parks within each of the Upper Keys, Middle Keys, and Lower Keys subareas. [9J-5.014(3)(c)4]

#### **Policy 1201.1.2**

Monroe County hereby adopts the following standards as goal levels of service. They shall be used as advisory guidelines only, and shall not be used for concurrency purposes.

Goal Levels of Service for Specific Recreational Facilities:

1. one (1) baseball/softball field for every 7,000 functional population;
2. one (1) tennis court for every 6,000 functional population;
3. one (1) equipped play area for every 10,000 functional population;
4. one (1) picnic area for every 15,000 functional population; and
5. one (1) mile of recreational beach shoreline for every 100,000 functional population.

These goal levels of service shall be applied to each of the Upper, Middle and Lower Keys subareas. [9J-5.014(3)(c)4]

#### **Policy 1201.1.3**

Monroe County shall periodically review and revise the level of service standards and advisory guidelines in policies 1201.1.1 and 1201.1.2 based on the most recent survey of community preferences.

#### **Policy 1201.1.4**

By January 4, 1997, Monroe County shall adopt Land Development Regulations providing a Concurrency Management System (See Capital Improvements Policy 1401.4.5). The Concurrency Management System shall ensure that no permits will be issued for new development or redevelopment which would cause recreation lands and facilities to operate below the adopted level of service.

**Policy 1201.1.5**

Monroe County shall review all legal subdivision plats to determine any dedication of property to the County for park lands. Those properties shall be utilized as needed to meet recreational requirements.

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**Objective 1201.2**

Monroe County shall secure additional acreage for use and/or development of resource-based and activity-based neighborhood and community parks consistent with the adopted level of service standards. [9J-5.014(3)(b)3]

**Policy 1201.2.1**

Land required to eliminate existing deficiencies in neighborhood and community parks shall be made available through one or a combination of the following mechanisms:

1. development of park and recreation facilities on land which is already owned by the County but which is not being used for park and recreation purposes;
2. acquisition of new park sites;
3. interlocal agreements with the Monroe County School Board for use of existing school-based park facilities by county residents;
4. interlocal agreements with incorporated cities within Monroe County for use of existing city-owned park facilities by county residents;
5. intergovernmental agreements with agencies of the state and federal governments for use of existing publicly-owned lands or facilities by county residents; and
6. long-term lease arrangements or joint use agreements with private entities for use of private park facilities by county residents.

The same mechanisms shall be used for purposes of providing adequate land to satisfy the demand for parks and recreation facilities resulting from future residential development. [9J-5.014(3)(c)2 and 5]

Monroe County shall not rely upon joint use facilities to eliminate existing deficiencies or meet future LOS requirements until interlocal, intergovernmental, or private joint use agreements are executed which demonstrate that the facilities will be available for general use to Monroe County residents to meet peak season, weekend, or time of day recreation demands. [9J-5.013(3)(c)2 and 5]

**Policy 1201.2.2**

By January 4, 1998, Monroe County shall identify potential sites which could be used for the provision of park and recreation facilities. These shall include:

1. sites which could be used to correct or improve existing parks and recreation deficiencies; and
2. sites which could be used for development of future neighborhood and community parks to serve the anticipated needs of the future population.

Candidate sites shall include neighborhood and community parks already owned by Monroe County and sites as listed above in Policy 1201.2.1. [9J-5.014(3)(c)2]

**Policy 1201.2.3**

Priority shall be given to locating new neighborhood and community parks in communities which demonstrate the greatest deficiencies in parks and recreation. [9J-5.014(3)(c)2 and 5]

**Policy 1201.2.4**

In selecting sites for future activity-based neighborhood and community parks, Monroe County shall give priority to sites which have been previously disturbed or scarified. The County shall avoid acquiring sites for activity-based parks which involve potential disturbances to sensitive natural resources including but not limited to:

1. high quality undisturbed pineland and hammock vegetation;
2. documented habitat of species designated as rare or endangered by the state and federal governments;
3. undisturbed beach/berm; and
4. undisturbed mangrove, salt marsh, buttonwood and freshwater wetlands.

When park sites are acquired which include sensitive natural resources, then the park master plan (See Policy 1201.3.6 and 1201.3.8) and the annual park management plan (See Policy 1201.11.2 and 1201.11.3) shall designate such areas for passive recreation and shall avoid potential adverse impacts of park development and use upon those resources. [9J-5.014(3)(c)2, 3 and 5]

**Policy 1201.2.5**

By January 4, 1998, conceptual plans shall be developed for candidate park sites. These plans shall be adequate for purposes of assessing suitability of candidate sites for park development, the nature of facilities which could be accommodated on the site, and preliminary costs of park development. The conceptual site plans shall be made available to the Monroe County Board of County Commissioners (BOCC) for review during consideration of park acquisition alternatives. [9J-5.014(3)(c)2]

**Policy 1201.2.6**

Funding for land acquisition for county-owned neighborhood and community parks shall be obtained from a combination of local and state funding sources, including but not limited to:

1. Florida Recreation Development Assistance Program;
2. Preservation 2000 Trust Fund
3. Conservation and Recreation Lands (CARL) Program;
4. Land and Water Conservation Fund;
5. Urban Parks and Recreation Recovery (UPARR) Action Grants;
6. local funds made available from fair share community park impact fees for growth-related needs (paid pursuant to the Monroe County Land Development Regulations); and

7. local funds as may be made available through special appropriation by the BOCC.  
[9J-5.014(3)(c)2 and 5]

**Policy 1201.2.7**

Acquisition of neighborhood and community park sites shall be undertaken as part of the Monroe County Natural Heritage and Park Program. (See Future Land Use Objective 102.4 and related policies.) [9J-5.014(3)(c)2 and 5]

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**Objective 1201.3**

Monroe County shall make available adequate active recreation facilities at county-owned resource-based and community-based neighborhood and community parks consistent with the adopted level of service standards and the concurrency management system. [9J-5.014(3)(b)3]

**Policy 1201.3.1**

Programming for active recreation facilities at neighborhood and community parks shall reflect the needs and desires of residents living within the service areas of such parks. Public input into facilities programming shall be solicited through neighborhood public participation programs designed to identify local preferences for specific types of recreational facilities. [9J-5.014(3)(c)5]

**Policy 1201.3.2**

Priority shall be given to developing active recreation facilities at neighborhood and community parks which are not currently served with such facilities. [9J-5.014(3)(c)5]

**Policy 1201.3.3**

By January 4, 1998, Monroe County shall complete a master plan for each existing county-owned neighborhood and community park. [9J-5.014(3)(c)5]

**Policy 1201.3.4**

A park master plan shall be completed for all new neighborhood and community parks by September 30th of the year following the acquisition of real property or rights therein for purposes of outdoor recreation. Exceptions shall occur when park master plans are required as a condition of an intergovernmental agreement, interlocal agreement, joint use agreement or long-term lease arrangement; in such instances the master plan shall be prepared prior to acquisition of property rights to serve outdoor recreation. [9J-5.014(3)(c)3 and 5]

**Policy 1201.3.5**

Park master plans shall be consistent with the goals, objectives and policies established in the following:

1. the Monroe County Park and Recreation Plan (upon its adoption by the BOCC) (See Objective 1201.10); and
2. the Land Use and Coastal Management Elements of the Monroe County Comprehensive Plan. [9J-5.014(3)(c)3 and 5]

**Policy 1201.3.6**

Park master plans shall address the following issues:

1. public uses and facilities;
2. public access;
3. compatibility with adjacent land uses;
4. protection of sensitive natural resources; and
5. restoration of disturbed lands. [9J-5.014(3)(c)2, 3 and 5]

**Policy 1201.3.7**

For parks which include beaches and shoreline areas, park master plans shall provide for the maintenance and/or improvement of existing levels of beach and shore access. The park master plan shall be consistent with the Monroe County Public Access Plan. (See Conservation and Coastal Management Objective 213.1.1.) [9J-5.014(3)(c)3 and 5]

**Policy 1201.3.8**

Park master plans shall be designed so as to avoid and/or mitigate adverse impacts of park use upon sensitive natural resources. Such areas include, but are not limited to the following:

1. high quality undisturbed pineland and hammock vegetation;
2. documented habitat of species designated as rare or endangered by the state and federal governments;
3. undisturbed beach/berm; and
4. undisturbed mangrove, salt marsh, buttonwood and freshwater wetlands.

Public use shall be directed away from or minimized in such areas through controlled access and limitations on permitted activities. [9J-5.014(3)(c)3 and 5]

**Policy 1201.3.9**

Park master plans shall identify areas of disturbed wetlands as potential wetlands mitigation sites. (See Conservation and Coastal Management Objective 204.3 and related policies.) [9J-5.014(3)(c)2 and 5]

**Policy 1201.3.10**

Park master plans shall include provisions for the removal of invasive, exotic vegetation. [9J-5.014(3)(c)2 and 5]

**Policy 1201.3.11**

Park master plans shall specify the use of native vegetation for landscaping and for restoration of areas from which invasive, exotic vegetation is removed. [9J-5.014(3)(c)2 and 5]

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**Objective 1201.4**

By January 4, 1997, Monroe County shall revise the Land Development Regulations to permit and facilitate park-related development activities at county-owned sites. [9J-5.014(3)(b)3]

**Policy 1201.4.1**

Existing county-owned neighborhood and community parks shall be assigned to the Park and Refuge Land Use District. [9J-5.014(3)(c)1]

**Policy 1201.4.2**

Upon fee simple acquisition, new county-owned neighborhood and community park sites shall be reassigned to the Park and Refuge Land Use District. [9J-5.014(3)(c)1]

**Policy 1201.4.3**

Regulations pertaining to the Park and Refuge Land Use District which shall be revised to facilitate park and recreation uses shall include the following:

1. land use intensities;
2. bulk regulations;
3. development standards;
4. environmental standards;
5. park and loading standards; and
6. landscaping standards. [9J-5.014(3)(c)1]

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**Objective 1201.5**

By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations pertaining to fair share community park impact fees which will assist the county with maintaining adopted levels of service for parks and recreation facilities. [9J-5.014(3)(b)2]

**Policy 1201.5.1**

Monroe County shall continue to collect fair share community park impact fees for any new permanent and transient residential units (including units constructed on existing platted lots) prior to issuance of a Certificate of Occupancy. [9J-5.014(3)(c)1]

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**Objective 1201.6**

Monroe County shall continue to ensure access to publicly-owned recreation and open space areas and facilities, including beach and shoreline areas, for all Monroe County residents and visitors, including the handicapped and disabled. [9J-5.014(3)(b)1]

**Policy 1201.6.1**

By January 4, 1998, Monroe County shall complete a master plan for all county-owned neighborhood and community parks (See Policies 1201.3.3 through 1201.3.11). These plans shall include, among other items:

1. an assessment of the adequacy of public access; and
2. recommended public access improvements, which may include but not be limited to, additional parking, boat ramps and handicapped access facilities. [9J-5.014(3)(c)3]

**Policy 1201.6.2**

Beginning in 1998, Monroe County shall prepare annual park and recreation facility management plans. Among other items, the annual management plans shall address continued management requirements needed to ensure safe public access. (See Objective 1201.11 and related policies.) [9J-5.014(3)(c)3]

**Policy 1201.6.3**

By January 4, 1998, Monroe County shall complete a Public Access Plan for unincorporated Monroe County. This plan shall address publicly-owned and privately-owned lands. (See Conservation and Coastal Management Objective 213.1 and related policies.) [9J-5.014(3)(c)3]

**Policy 1201.6.4**

By January 4, 1998, Monroe County shall complete a Parks and Recreation Plan (See Policy 1201.10.1). This Plan shall, among other items, evaluate the need for and feasibility of a combined trail and bikeway system which links parks and recreation areas with one another as well as with residential areas. (See Objective 1201.10) [9J-5.014(3)(c)3]

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**Objective 1201.7**

Monroe County shall implement an ongoing coordination program with community groups and commercial enterprises owning private recreational facilities to make available such facilities for use by county residents. [9J-5.014(3)(b)2 and 4]

**Policy 1201.7.1**

By January 4, 1998, Monroe County shall develop standard written agreements for summer recreation programs at destination resorts, private recreation clubs, private schools, churches and other community groups owning open space and/or recreation facilities. The County shall seek to execute these agreements with such groups on a regular annual basis. [9J-5.014(3)(c)2 and 5]

**Policy 1201.7.2**

Monroe County shall encourage the use of privately-owned parks and recreation facilities for public recreation purposes through allocation of county funds for construction and maintenance of recreation facilities on privately-owned lands. [9J-5.014(3)(c)2 and 5]

**Policy 1201.7.3**

Monroe County shall encourage community groups and commercial enterprises to develop and maintain private recreational facilities consistent with County design guidelines. The County shall provide planning assistance to such groups. Assistance efforts shall be directed to areas where:

1. there is an existing deficit of activity-based neighborhood and community parks;  
and
2. there are no future opportunities for public recreation sites.

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**Objective 1201.8**

Monroe County shall implement an ongoing coordination program with other city, state and federal governmental agencies to make city, state and federally-owned parks and recreational facilities available for use by county residents. [9J-5.014(3)(b)2 and 4]

**Policy 1201.8.1**

Monroe County shall enter into an interlocal agreement with the Monroe County School Board which will provide for use of school-based recreation areas by county residents. This agreement shall set forth responsibilities for maintenance, expansion and operating hours at school-based facilities which will be made available for use by county residents. This agreement shall be reviewed on an annual basis. [9J-5.014(3)(c)2 and 5]

**Policy 1201.8.2**

Monroe County, through the Planning Department, Land Authority and/or Public Facilities Maintenance staff, shall initiate discussions with the Department of Natural Resources to determine the potential for use of state-owned lands for activity-based and/or resource-based neighborhood and community parks. Through negotiations, the County shall strive to secure special consideration for County residents, such as reduced fees or special use permits for certain times or locations, for the use of existing state recreational facilities. The County shall also encourage the construction of and participate in the planning of new recreational facilities on state-owned lands. If necessary, the County shall enter into an interlocal agreement with DNR. [9J-5.014(3)(c)2 and 5]

**Policy 1201.8.3**

Monroe County, through the Planning Department, Land Authority and/or Public Facilities Maintenance staff, shall continue to coordinate with the U.S. Navy to determine the potential for use of Navy-owned lands for activity-based and/or resource-based neighborhood and community parks. Through negotiations, the County shall encourage the construction of new recreational facilities on Navy-owned lands, and shall strive to secure the use of new facilities for County residents. The County shall also review and comment on the plans for any new facilities proposed for use by County residents. If necessary, the County shall enter into an interlocal agreement with the U.S. Navy. [9J-5.014(3)(c)2 and 5]

**Policy 1201.8.4**

Monroe County, through the Planning Department, Land Authority and/or Public Facilities Maintenance staff, shall initiate discussions with the National Park Service (NPS) to determine the potential for use of NPS-owned parcels for activity-based or resource-based neighborhood and community parks. Through negotiations, the County shall strive to secure special consideration for County residents, such as reduced fees or special use permits for certain times or locations, for the use of existing NPS recreational facilities. The County shall also consider a joint County-NPS effort to plan and construct new recreational facilities on NPS-owned lands, if County residents were guaranteed a high priority in access to the facilities. If necessary, the County shall enter into an interlocal agreement with the NPS. [9J-5.014(3)(c)2 and 5]

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**Objective 1201.9**

By January 4, 1998, Monroe County shall establish and fund a professionally staffed Parks and Recreation Department. [9J-5.014(3)(b)3]

**Policy 1201.9.1**

By January 4, 1998, there shall be an interdivisional agreement between the Division of Public Works and the Division of Growth Management providing for the development and organization of the Monroe County Parks and Recreation Department. [9J-5.014(3)(c)1 to 5]

**Policy 1201.9.2**

By January 4, 1998, the BOCC, in cooperation with the Monroe County Public Parks and Recreation Advisory Board, shall approve and fund organization of the Monroe County Parks and Recreation Department. [9J-5.014(3)(c)1 to 5]

**Policy 1201.9.3**

Until such time as the Monroe County Parks and Recreation Department is organized, planning and management of county-owned parks and recreation facilities shall be undertaken by the Division of Growth Management and the Division of Public Works, respectively. [9J-5.014(3)(c)1 to 5]

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**Objective 1201.10**

By December 31, 2003, Monroe County shall complete a Parks and Recreation Plan. [9J-5.014(2)(b)1 to 4]

**Policy 1201.10.1**

The Parks and Recreation Plan shall address the following issues:

1. inventory of recreation lands and facilities;
2. demand for recreation lands and facilities;
3. level of service standards;
4. development and acquisition;
5. public access; and
6. management and maintenance. [9J-5.014(3)(c)5]

**Policy 1201.10.2**

The preparation of the Parks and Recreation Plan will include a public participation program in order to determine the demand for recreation areas and facilities.

**Policy 1201.10.3**

Level of service standards for recreation lands and facilities will be modified to reflect the demand for recreation lands and facilities as determined through the public participation program.

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**Objective 1201.11**

Monroe County shall manage all park and recreation facilities for which it has assumed management responsibility according to management plans. [9J-5.014(3)(b)1 and 2]

**Policy 1201.11.1**

Beginning in 1998, Monroe County shall prepare annual park and recreation facility management plans. These plans shall be prepared by September 30th of each year. They shall be consistent with the current county restoration plan (See Conservation and Coastal Management Objective 210.1 and related policies). [9J-5.014(3)(c)3 and 5]

**Policy 1201.11.2**

Management plans for individual park and recreation units shall be consistent with goals, objectives and policies established in the following:

1. the master plan for the specific park and recreation facility;
2. the Monroe County Park and Recreation Plan (upon its adoption by the BOCC) (See Objective 1201.10); and
3. the Land Use Element and the Conservation and Coastal Management Element of the Monroe County Year 2010 Comprehensive Plan. [9J-5.014(3)(c)3 and 5]

**Policy 1201.11.3**

Park management plans shall be designed so as to avoid and/or mitigate adverse impacts of park use upon sensitive natural resources. Such areas include, but are not limited to the following:

1. high quality undisturbed pineland and hammock vegetation;
2. documented habitat of species designated as rare or endangered by the state and federal governments;
3. undisturbed beach/berm (particularly turtle nesting beaches); and
4. undisturbed mangrove, salt marsh, buttonwood and freshwater wetlands.

Public use shall be directed away from or minimized in such areas through controlled access and limitations on permitted activities. [9J-5.014(3)(c)3 and 5]

**Policy 1201.11.4**

For parks which include beaches and shoreline areas, park management plans shall provide for the maintenance and/or improvement of existing levels of beach and shore access. [9J-5.014(3)(c)3 and 5]

**Policy 1201.11.5**

Park management plans shall identify areas of disturbed wetlands as potential wetlands mitigation sites. (See Conservation and Coastal Management Element Policy 204.3.2.) [9J-5.014(3)(c)2 and 5]

**Policy 1201.11.6**

Park management plans shall include provisions for removal of invasive, exotic vegetation. (See Conservation and Coastal Management Element Objective 210.1 and policies.) [9J-5.014(3)(c)2 and 5]

**Policy 1201.11.7**

Park management plans shall specify the use of native vegetation for landscaping and for restoration of areas from which invasive, exotic vegetation is removed. [Policy 9J-5.014(3)(c)2 and 5]

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**Objective 1201.12**

By January 4, 1998, Monroe County shall develop and implement a cooperative land management program designed to protect open space (conservation lands) from the impacts of land use activities on adjacent private lands. (See Future Land Use Objective 102.9 and related policies.) [9J-5.014(3)(b)1 and 2]

### **3.13 Intergovernmental Coordination**

#### **GOAL 1301**

Monroe County shall promote and encourage intergovernmental coordination between the County; the municipalities of Key West, Key Colony Beach, and Layton; the Counties of Dade and Collier; regional, state, and federal governments and private entities in order to anticipate and resolve present and future concerns and conflicts. [9J-5.015(3)(a)]

#### **Objective 1301.1**

Monroe County shall establish or maintain coordination mechanisms to ensure that full consideration is given to the impacts of development allowed by the Monroe County Comprehensive Plan upon the plans of adjacent municipalities, adjacent counties of Dade and Collier, the region, the State and the Federal Governments, as well as the impacts of those entities' plans on the County. [9J-5.015(3)(b)1, 2 & 3]

##### **Policy 1301.1.1**

By January 4, 1997, Monroe County shall increase the amount and effectiveness of coordination mechanisms with the South Florida Regional Planning Council (SFRPC) by receiving the Council's comments on the revised Monroe County Comprehensive Plan and the land development regulations and addressing these comments in plan revisions. [9J-5.015(3)(b)3]

##### **Policy 1301.1.2**

Monroe County shall coordinate with Dade County, Florida Department of Natural Resources (DNR) and the South Florida Water Management District (SFWMD) on all land and water management plans affecting Card Sound. [9J-5.015(3)(c)6]

##### **Policy 1301.1.3**

Monroe County shall resolve conflicts including but not limited to annexation issues, with Broward, Collier and Dade Counties, the Cities of Key West, Key Colony Beach, and Layton, and the State of Florida through the South Florida Regional Planning Council's informal mediation process. [9J-5.015(3)(c)2 and 4]

##### **Policy 1301.1.4**

By January 4, 1998, Monroe County shall initiate an interlocal agreement with Dade County providing for notification and review procedures in order to provide a mechanism for Monroe County comment on land use and regulatory issues concerning the potable water wellfield, aquifer, and aquifer recharge areas. [9J-5.015(3)(b)2]

##### **Policy 1301.1.5**

Monroe County and the Florida Keys Aqueduct Authority (FKAA) shall work cooperatively with the SFWMD and Dade County to ensure the protection and availability of an adequate raw water supply to meet Monroe County needs through 2010 from the Florida City well field by:

1. renewing of consumptive use permit by January 4, 1998 and thereafter as required by SFWMD; and
2. if necessary, conducting an exploratory study of the feasibility of reverse osmosis and other technologies. [9J-5.015(3)(b)2]

##### **Policy 1301.1.6**

By January 4, 1997, Monroe County and the City of Key West shall set up and implement, by interlocal agreement, an entity called the Monroe County Technical Coordination Committee. The committee will consist of six officials, three representing the City of Key West and three representing Monroe County, appointed at the discretion of the City Manager and County Administrator. These officials will represent the concerns of the following offices with each government:

1. Community Services
2. Public Works
3. Planning

The Committee will meet at least twice a year with the following agenda, with subsequent summary reports provided to the County Administrator and City Manager:

1. Land Use/Development Impact Review
2. Transportation Management
3. Affordable Housing
4. Public Facilities
5. Public Safety
6. Solid Waste (to include recycling)
7. Recreation and Open Space
8. Potable Water
9. Drainage
10. Natural Groundwater Aquifer Recharge
11. Conservation
12. Coastal Management
13. Permit Allocation
14. Hurricane Evacuation and Recovery  
[9J-5.015(3)(c)5 and 9J-5.015.(3)(b)2]

#### **Policy 1301.1.7**

By January 4, 1997 and each year thereafter on an ongoing basis Monroe County and FKAA will coordinate an evaluation and appraisal of the Monroe County Comprehensive Plan, adopted levels of service, annual public facility capacity analysis, and the Consumptive Use Permit. [9J-5.015(3)(c)1]

#### **Policy 1301.1.8**

Monroe County shall, through means in policies 1301.1.3, 1301.1.6 and 1301.1.9, improve communication and conflict resolution among the County, its municipalities, and the State of Florida within the context of the County's designation as an area of critical state concern. Improvement shall be measured based on the ability of developing joint resolutions in areas of mutual concern.

#### **Policy 1301.1.9**

By January 4, 1997, Monroe County shall request that the Department of Community Affairs (DCA) initiate intergovernmental agreements with the Department of Health and Rehabilitative Services, Department of Natural Resources, and Department of Environmental Regulation in order to assist them in their efforts to streamline their effectiveness by clearly establishing a coordinated agency review procedure that establishes each agency's responsibilities within Monroe County as stated in Chapter 163, F.S., Chapter 380, F.S. and Section 381.272, F.S. The agreements will establish coordinated permit procedures and greater understanding of mutual concerns and long-term goals.

**Policy 1301.1.10**

On a semi-annual basis, Monroe County shall meet with representatives of federal, state, regional and local agencies that have regulatory authority in the County, and periodically review those agencies' written rules in order to keep up-to-date and informed as to how other agencies' regulatory activities affect implementation of Monroe County's Comprehensive Plan. Monroe County shall be responsible for developing a list to be revised annually of contact persons within all agencies which have jurisdiction in Monroe County. In addition, the periodic review of agency rules by the County shall be in writing and provided to the relevant agency to assure further understanding.

**Policy 1301.1.11**

Monroe County shall attempt to ensure that development activities that require permits from federal, state, regional, and county regulatory authorities are done through a coordinated interagency review. [9J-5.015(3)]

**Policy 1301.1.12**

By January 4, 1997, Monroe County shall establish a complete list of existing and planned intergovernmental and interagency agreements, which shall be updated annually.

**Policy 1301.1.13**

All permitting agencies shall be required per Chapter 163, F.S. to observe and adhere to the Monroe County Comprehensive Plan and regulations if more stringent than their own.

**Policy 1301.1.14**

Monroe County shall continue to participate wherever possible in SFWMD planning and management activities. Monroe County shall continue to review and comment on SFWMD's proposed plans and regulation amendments, and to delegate representatives to SFWMD's Advisory Committees. Monroe County shall also seek, through County Commission resolution, to maintain equal representation on the SFWMD Governing Board.

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**Objective 1301.2**

Through the adoption of one or more intergovernmental agreements, Monroe County shall coordinate with municipalities and other appropriate entities in order to plan and implement programs to improve water quality. [9J-5.015(3)(c) 3 and 6]

**Policy 1301.2.1**

Monroe County shall, by specified dates given below implement the following water quality improvement programs by intergovernmental agreement:

<b><u>Entity/Entities</u></b>	<b><u>Subject (or their designees)</u></b>	<b><u>Date</u></b>
Wastewater treatment inspection/compliance program for all OSDS, package plants, and wastewater treatment plants	Florida Department of Environmental Protection (DEP) & Florida Department of Health and Rehabilitative Services (HRS)	1/4/97
Regulation and enforcement program for live-aboard disposal system discharge	U.S. Coast Guard, Marine and Port Advisory Committee, BOCC, NOAA, DEP, U.S. Environmental Protection Agency (EPA), and incorporated municipalities	1/4/97
Identification and replacement of deficient OSDS	HRS	1/4/97
Engineering study of drainage in the Florida Keys	SFWMD, DEP	1/4/97
Interjurisdictional drainage facilities impacting on the Everglades and Florida Bay	Dade, Broward, Collier, and Palm Beach Counties and SFWMD	1/4/97
Nearshore and Florida Bay water quality monitoring program	SFWMD, EPA, DEP, and Florida Keys National Marine Sanctuary (FKNMS)	1/4/98
Preparation of the Sanitary Wastewater/Stormwater Master Plan	FCAA, SFWMD	1/4/97
Water Quality and permitting issues related to canal system aeration, backfilling, and unplugging	DEP, ACOE, NOAA, EPA	1/4/98
Scientific studies of stress on seagrass ecosystems	NOAA, EPA, and DEP	following completion of FKNMS Plan
Scientific studies of stress on coral reef ecosystems	NOAA, EPA, and DEP	following completion of FKNMS Plan
Coordination of existing and potential land management problems affecting water quality and fisheries	Nat'l Park Service, SFWMD, Collier and Dade Counties	1/4/97

**Objective 1301.3**



Level of service standards established by the Comprehensive Plan shall be reviewed with the entity actually responsible for providing the facilities to ensure that adequate capacity is available to meet the needs of existing and future residents. [9J-5.015(3)(b)3]

**Policy 1301.3.1**

When conflicts with other local governments arise, including but not limited to the following topics:

1. establishing when, how and which public facilities' LOS standards shall be measured across jurisdictional lines;
2. evaluating the impact on levels of service caused by development within each jurisdiction, to ensure concurrency, and to assess the development's impacts on land use;
3. allocating the relative proportions of future development;
4. establishing a system to monitor future development within the jurisdictions; and
5. mediating disputes between the jurisdictions regarding the allocation of future development.

Monroe County shall initiate and utilize the South Florida Regional Planning Council's (SFRPC) informal mediation process to resolve conflicts. [9J-5.015(3)(c)2]

**Policy 1301.3.2**

Monroe County shall, through its development review process, consider the impacts of proposed developments on the LOS standards of adjacent local governments and the Counties of Dade and Collier. [9J-5.015(3)(c)5]

**Policy 1301.3.3**

As part of the planning process, Monroe County shall consider the impacts of projected development on the comprehensive plans of incorporated communities within the County. [9J-5.015(3)(c)7]

**Policy 1301.3.4**

By January 4, 1997, Monroe County shall initiate an interlocal agreement with Dade County to evaluate the impact of development on levels of service within one mile of County borders, ensure concurrency and assess impact on existing and proposed land use. [9J-5.015(3)(c)5]

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**Objective 1301.4**

Establish or maintain coordination mechanisms to ensure transportation related programs, plans, and facility improvements are fully considered by the appropriate federal, state, regional or local agency. [9J-5.015(3)(b)3]

**Policy 1301.4.1**

Monroe County shall continue operating the Monroe County Transportation Program and coordinating the program with the Key West Port and Transit Authority, and the Florida Department of Transportation 5-Year Transportation Plan. [9J-5.015(3)(b)3]

**Policy 1301.4.2**

Monroe County shall continue to seek funds for the transportation disadvantaged and other transit and paratransit operations from all applicable federal, state, regional, and other sources and shall continue to provide gas tax revenues to public transit and paratransit services.

**Policy 1301.4.3**

Monroe County shall coordinate all port or related facilities with the plans of the United States Army Corps of Engineers, resource planning and management plan prepared pursuant to Chapter 380, Florida Statutes and approved by the Governor and Cabinet, and the Florida Department of Transportation 5-Year Plan as adopted. [9J-5.015(3)(b)3]

**Policy 1301.4.4**

Monroe County shall coordinate port related improvements with the Key West Port and Transit Authority (PATA) by designating a member of the staff of the Planning Department to act as a liaison with PATA. [9J-5.015(3)(b)3]

**Policy 1301.4.5**

Monroe County shall coordinate all aviation or related facilities with the plans of the Federal Aviation Administration, military services, resource planning and management plan prepared pursuant to Chapter 380, Florida Statutes and approved by the Governor and Cabinet, the Florida Department of Transportation 5-Year Plan, and the Continuing Florida Aviation System Planning Process as adopted. [9J-5.015(3)(b)3]

**Policy 1301.4.6**

Monroe County shall maintain and update a master plan for each public airport pursuant to the rules of the Federal Aviation Administration.

**Policy 1301.4.7**

Monroe County shall work with the Florida Department of Transportation and Federal Aviation Administration to secure airport improvement grants.

**Policy 1301.4.8**

Monroe County shall coordinate expansions and operation of the Key West airport with the U.S. Navy.

**Policy 1301.4.9**

Monroe County shall coordinate with the Florida Department of Transportation (FDOT) to ensure that US 1 roadway capacity improvements are placed on FDOT's five year plan to reduce hurricane evacuation clearance times to 24 hours by the year 2010 (See Capital Improvements Policies 1401.1.4 and 1401.1.5). [9J-5.015(3)(b)3]

**Objective 1301.5**

Ensure that implementation, monitoring, and evaluation of the Monroe County Comprehensive Plan is coordinated with the plans and programs of:

- The Land Authority of Monroe County,
- The Monroe County Property Appraiser's Office
- The District School Board of Monroe County
- The Florida Department of Transportation
- The South Florida Regional Planning Council
- The South Florida Water Management District
- The Florida Department of Environmental Regulation
- The Florida Keys Aqueduct Authority
- The City Electric Service,
- The Florida Department of Health and Rehabilitative Services
- The Florida Keys Electric Cooperative
- The Monroe County Sheriff's Department
- Monroe County Housing Authority
- The Key West Port and Transit Authority

and other providers of health, safety, and educational services not having regulatory authority over the use of land. [9J-5.015(3)(b)1]

**Policy 1301.5.1**

Monroe County shall request that private providers of health, safety, and educational services review and comment regarding this comprehensive plan. [9J-5.015(3)(c)1]

**Policy 1301.5.2**

Monroe County shall continue to share data with the City Electric Service, Florida Keys Aqueduct Authority, the Monroe County Property Appraiser, SFWMD and other agencies for use in GIS applications. [9J-5.015(3)(c)3]

**Policy 1301.5.3**

The existing coordination mechanism between the Monroe County Land Authority and the Florida Department of Community Affairs shall be maintained. By January 4, 1998, the Land Authority shall research and publish a report examining the potential to expand its operations and effectiveness, particularly within the context of the needs identified in this Comprehensive Plan, including the Land Authority becoming the responsible authority for acquiring and administering a TDR program. The report shall identify specific actions (if any) which Monroe County should take to assist the Land Authority.

**Policy 1301.5.4**

By January 4, 1997 Monroe County, in updating its drainage policies and ordinances, shall meet with the SFWMD and the SFRPC to ensure that the local regulatory framework is consistent with the planning objectives and regulations of the region. [9J-5.015(3)(b)3]

**Policy 1301.5.5**

The Growth Management Division shall work with the County Housing Authority to encourage development of elderly and institutional housing and identify funding sources for community-based non-profit organizations to provide affordable housing for low-income residents.

**Policy 1301.5.6**

Monroe County shall coordinate with the District School Board of Monroe County on the siting and expansion of required facilities.

**Policy 1301.5.7**

Monroe County shall, on an annual basis during the preparation of the Concurrency Management Report, coordinate with the Municipal Services District, the Florida Keys Aqueduct Authority, City Electric and the Florida Keys Electric Cooperative to determine the acreage and location of land needed to accommodate projected service expansions.  
[9J-5.015(3)(b)1]

**Policy 1301.5.8**

Monroe County shall, on an annual basis, coordinate with hospitals in the County to ensure the availability of adequate land to meet hospital expansion and improvement requirements.

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**Objective 1301.6**

Monroe County shall establish or maintain mechanisms of coordination and cooperation to ensure the protection and restoration of wetlands.

**Policy 1301.6.1**

Monroe County shall participate in the Florida Keys Advance Identification of Wetlands (ADID) Program.

**Policy 1301.6.2**

As part of the ADID Program, Monroe County shall continue to cooperate with the EPA, the U.S. Army Corps of Engineers (ACOE), the Florida Game and Fresh Water Fish Commission (FGFWFC), and the U.S. Fish and Wildlife Service (USFWS) to develop a wetlands functional assessment protocol. This assessment protocol shall be tailored for use in the Florida Keys and shall be based upon habitat suitability, water quality, and flood flow alteration functions of marine and freshwater wetlands.

**Policy 1301.6.3**

As part of the ADID Program, Monroe County, EPA, USFWS, and FGFWFC will jointly carry out the functional analysis of wetlands. This shall be completed on all wetland vegetative cover areas within improved subdivisions and on selected sites outside improved subdivisions, according to statistically valid selected sample locations for each wetland vegetative cover type.

**Policy 1301.6.4**

Monroe County shall work cooperatively with the ACOE, EPA, DER, DNR, FGFWFC, and others as appropriate, to determine funding sources to support the wetlands restoration program.

**Policy 1301.6.5**

Monroe County shall cooperate with the FGFWFC in its effort to map freshwater wetlands and disturbed wetlands.

**Policy 1301.6.6**

The Monroe County Department of Environmental Resources, in consultation with the Monroe County Department of Marine Resources, shall work cooperatively with the Monroe County Land Authority in developing and administering the wetlands acquisition program.

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**Objective 1301.7**

Monroe County shall implement mechanisms to identify and resolve intergovernmental coordination needs pertaining to environmental issues and natural resource protection.

**Policy 1301.7.1**

By January 4, 1997, Monroe County shall initiate an interlocal agreement with the U.S. Fish and Wildlife Service (USFWS) and SFWMD to identify and map the freshwater lenses of the Florida Keys and their associated recharge areas. Previously conducted studies by the Audubon Society and the SFWMD will be utilized to the greatest extent possible. An analysis of the condition of the lenses shall also be completed. The mapping shall be incorporated onto the Geographical Information System.

**Policy 1301.7.2**

Monroe County shall coordinate with applicable state agencies to promote utilization of grey water storage systems and utilization for all exterior irrigation and flushing purposes.

**Policy 1301.7.3**

By September 30<sup>th</sup> of each year, Monroe County, in coordination with local DER representatives, shall review the annual air quality monitoring data for Monroe County. Any violations of the NAAQS or trends in ambient air quality shall be reported to the Board of County Commission.

**Policy 1301.7.4**

The County shall coordinate its upland habitat mapping and evaluation efforts with the U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, Florida Department of Environmental Regulation, Florida Department of Natural Resources, South Florida Water Management District, Florida Game and Fresh Water Fish Commission, and the National Audubon Society (Research Department).

**Policy 1301.7.5**

Monroe County, in cooperation with appropriate state and/or federal agencies, shall identify current and future land use activities causing or potentially causing adverse impacts on sensitive natural features and resources within state and federal conservation lands and develop a management plan for the protection of each Conservation Land Protection Area.

**Policy 1301.7.6**

Monroe County shall assist the DCA in developing a coordinated agency review pursuant to section 380.051, Florida Statutes. The Monroe County Growth Management Division shall continue to conduct meetings with the Department of Environmental Regulation, the National Oceanographic and Atmospheric Administration, the Department of Natural Resources, and the U.S. Army Corps of Engineers to identify the environmental issues and contradictions in rules and authorities related to the permitting process for marinas, docking facilities, piers, mooring sites, hardened vertical shoreline structures, and dredging in the Florida Keys. Within one year of the effective date of this comprehensive plan, after issues have been identified, Monroe County shall revise its Land Development Regulations. (See Policies 103.2.13, 203.6.1, 212.4.7, 212.5.10, and 212.6.5.) [9J-5.012(3)(c)1,2,3 and 8; 9J-5.013(2)(c)1 and 6]

**Policy 1301.7.7**

Monroe County shall coordinate its boating impacts management activities with those of the National Marine Sanctuary Management Plan, the Department of Natural Resources, the Coast Guard, and the U.S. Fish and Wildlife Service.

**Policy 1301.7.8**

Monroe County shall work cooperatively with the U.S. Fish and Wildlife Service to promote the recovery of plant species designated by the federal government as threatened and endangered.

**Policy 1301.7.9**

By January 4, 1998 Monroe County shall implement an ongoing coordination program with the National Park Service, the South Florida Water Management District, Dade County and Collier County to address existing and potential land management problems in the region which may affect the conservation, use and protection of unique vegetative communities and species of special status on mainland Monroe County.

**Policy 1301.7.10**

Monroe County shall implement the following species of special status identification and protection programs in coordination and cooperation with all pertinent agencies and organizations, including but not limited to the following:

<u>Subject</u>	<u>Entity/Entities</u>
Prepare management guidelines for federally-designated wildlife species	DEP, FGFWFC, and USFWS
By January 4, 1998 prepare a list of undesirable exotic wildlife populations	FGFWFC and USFWS
Identify probable concentrated range of wildlife species of special status	DEP, The Nature Conservancy, FGFWFC, and USFWS
Promote recovery of threatened and endangered species by coordinating development review and protection of horizon sites	FGFWFC and USFWS
By January 4, 1998 update the list of offshore island rookeries and nesting areas where development shall be prohibited	DEP, National Audobon Society, USFWS, NOAA, and FGFWFC
Determine protection and habitat preservation measures to assist with recovery of the Indigo Snake, Key Largo Wood Rat, Silver Rice Rat, Key Largo Cotton Mouse and the Lower Keys Marsh Rabbit	USFWS and FGFWFC

**Policy 1301.7.11**

Monroe County shall work cooperatively with the Department of Environmental Regulation and the Department of Natural Resources to identify alternatives for adaptive reuse and reclamation of abandoned mining pits in the Florida Keys.

**Policy 1301.7.12**

By January 4, 1998, Monroe County shall initiate discussions with the FCAA and providers of electricity and telephone service to assess the measures which could be taken to

discourage or prohibit extension of facilities and services to Coastal Barrier Resource Systems (CBRS) units. [9J-5.006(3)(c)6]

**Policy 1301.7.13**

Monroe County shall encourage and participate in the development and implementation of pollution response plans. These shall include participation in an oil response team (See Policy 207.8.6), and plans for hazardous materials emergencies (See Policy 801.5.2).

**Policy 1301.7.14**

Monroe County shall, by January 4, 1998, identify the technical assistance available from the U.S. Department of Agriculture, Soil Conservation Service for development and implementation of a soil erosion and sedimentation control program.

**Policy 1301.7.15**

Monroe County shall coordinate with DNR and encourage total acquisition of North Key Largo under the CARL program.

**Policy 1301.7.16**

The Monroe County Growth Management Division shall continue its active involvement with the ongoing Florida Keys interagency committee. Through this established process, Monroe County shall solicit comments from and offer comments to DER, DNR, NOAA, SFWMD, USFWS, FGFWFC, ACOE and DCA on permitting, planning, regulatory revisions, and other agency-related issues.

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**Objective 1301.8**

By January 4, 1997, Monroe County shall initiate the necessary interlocal coordination mechanisms to improve hurricane evacuation times and assure the provision of an adequate number of shelter facilities for evacuating Monroe County residents.

**Policy 1301.8.1**

Monroe County shall seek interlocal agreements with one or more appropriate agencies for installation and funding sources of at least four tide gauges at critical locations throughout the Keys.

**Policy 1301.8.2**

Monroe County shall initiate an interlocal agreement, with the incorporated municipalities and other appropriate agencies including the National Weather Service, to draft and implement a comprehensive program for expanded resident and visitor hurricane awareness and evacuation procedures. The program will identify education needs and adequate funding sources to include, at a minimum, staffing requirements, distribution of hurricane public awareness brochures, media coverage, and public service announcements in English and Spanish.

**Policy 1301.8.3**

By January 4, 1998, Monroe County shall coordinate with the Florida Department of Transportation to draft and implement a program which will establish priorities for elevation of low segments of U.S. Highway 1. The program shall, at a minimum, identify funding sources and scheduling.

**Policy 1301.8.4**

By January 4, 1997, Monroe County shall develop a plan which will identify the appropriate agencies required for coordination and funding of one Category 5 Emergency Operations Center (EOC), at a minimum, in each of the three EOC districts.

**Policy 1301.8.5**

By January 4, 1997, Monroe County shall coordinate with the Department of Community Affairs' Division of Emergency Management, the South Florida Regional Planning Council, and Dade County to identify sufficient approved shelter spaces outside of Monroe County for all county residents who will require shelter from a Category III or greater hurricane. Priority consideration shall be given to expansion of the currently designated shelter at Florida International University in order to consolidate Monroe County shelter spaces in one location.

**Policy 1301.8.6**

By January 4, 1998, Monroe County shall enter into an interlocal agreement with Dade County and other appropriate agencies (e.g., the Board of Regents) to provide sufficient additional approved spaces outside of Monroe County capable of withstanding Category III or stronger hurricanes and their associated surges for all county residents who will require shelter from a Category III or greater hurricane.

**Policy 1301.8.7**

By January 4, 1998, Monroe County shall coordinate with the U.S. Coast Guard to identify areas of mutual concern during a hurricane evacuation and identify the appropriate coordination mechanisms and procedures.

**Objective 1301.9**

Monroe County shall by January 4, 1998, implement an ongoing coordination program with other city, state and federal governmental agencies to make available city, state and federally-owned

parks and recreational facilities for use by county residents. (See Recreation and Open Space Objective 1201.8 and related policies.) [9J-5.014(3)(b)2 and 4]

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**Objective 1301.10**

Monroe County shall increase intergovernmental coordination efforts with the Department of Community Affairs (DCA), the Department of Environmental Regulation (DER), the South Florida Regional Planning Council (SFRPC), and the County's municipalities to develop and implement the most cost-effective and environmentally sound methods of regional solid and hazardous waste management.

**Policy 1301.10.1**

Monroe County shall continue to negotiate an interlocal agreement with the Cities of Key West, Key Colony Beach and Layton for the consolidated handling, processing and disposal of solid waste.

**Policy 1301.10.2**

Monroe County shall continue coordination efforts with the DER and other involved federal and state agencies to pursue funding for the implementation of Monroe County's Solid Waste and Resource Recovery Management Plans.

**Policy 1301.10.3**

Monroe County shall coordinate with and pursue with the Florida Association of Counties for the State-wide enactment of beverage container deposit laws.

**Policy 1301.10.4**

By January 4, 1998, Monroe County shall implement a County-wide mandatory curbside recycling program for all residential units and continue commercial recycling programs for all handling and disposal of newspapers, glass, plastics and aluminum waste products in order to meet mandated state solid waste requirements.

**Policy 1301.10.5**

By January 4, 1998, Monroe County shall participate in a Region-wide hazardous waste program consistent with the SFRPC Regional Comprehensive Policy Plan.

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**GOAL 1302**

Monroe County shall improve coordination within County government agencies in order to provide better service to the citizens of Monroe County.

**Objective 1302.1**

By January 4, 1997, Monroe County Government and its Divisions of Public Safety, Community Services, Growth Management, and Public Works shall inventory, analyze, create, and improve formal and informal coordination mechanisms.

**Policy 1302.1.1**

By January 4, 1998, discussions between the Divisions of Public Safety, Community Services, Growth Management, and Public Works shall formalize existing or new coordination mechanisms to avoid conflicts and improve delivery of services to the citizens of Monroe County. These coordination mechanisms will address the following issues:

1. The development review process, permit allocation process and the concurrency management process;
2. The responsibilities of the Department of Code Enforcement;
3. Hurricane preparedness and response plans;
4. Public safety needs, including law enforcement coordination requirements; and
5. The County's need for a utilities coordination group similar to that which exists in the City of Key West. [9J-5.015(3)(c)3]

**Policy 1302.1.2**

Upon adoption by the Monroe County Board of County Commissioners of revised land development regulations, the Growth Management Division shall establish written standard operating procedures to expedite all proposed amendments to the land development regulations and comprehensive plans in the most efficient and least time consuming manner possible, as per Chapter 380, F.S. In addition, the Growth Management Division will establish procedures to ensure that all plan amendments and land development regulation amendments are reviewed for consistency with the adopted plan and minimum state laws and rules.

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**GOAL 1303**

Monroe County shall increase the involvement of the citizens of the County and government related entities that operate within the County in the comprehensive planning and growth management process.

**Objective 1303.1**

Monroe County shall provide for and facilitate public participation and awareness in the comprehensive planning process.

**Policy 1303.1.1**

Monroe County shall continue to utilize an information exchange program, including the full utilization of an updated mailing list, to provide for the communication of issues in summary form between the County and all interested parties.

**Policy 1303.1.2**

Monroe County shall develop public awareness of the Comprehensive Plan by providing for public education programs designed to promote a widespread understanding of the Plan's purpose and intent.

**Policy 1303.1.3**

All entities listed in the "Inventory of Government Related Entities" section of the Intergovernmental Coordination Element of this comprehensive plan shall receive a copy of this comprehensive plan within six weeks after final adoption of the plan by the Monroe County Board of County Commissioners.

## 3.14 Capital Improvements

### **GOAL 1401**

Monroe County shall provide and maintain, in a timely and efficient manner, adequate public facilities for both existing and future populations, consistent with available financial resources and the other elements of the Comprehensive Plan. [9J-5.016(3)(a)]

#### **Objective 1401.1**

Monroe County shall provide the capital improvements necessary to correct existing deficiencies, to accommodate projected future growth, and to replace obsolete and worn-out facilities, in accordance with an adopted Capital Improvements Program. [9J-5.016(3)(b)1]

##### **Policy 1401.1.1**

By January 4, 1997, Monroe County shall revise the existing County Capital Improvements Program to incorporate the improvements identified in the Five-Year Schedule of Capital Improvements included in Table 4.1 of Capital Improvements Implementation.

##### **Policy 1401.1.2**

Monroe County shall annually update the Comprehensive Plan Five-Year Schedule of Capital Improvements. Proposed revisions to the Schedule, including those addressing the replacement and renewal of capital facilities, shall be evaluated, updated, and ranked in accordance with the following considerations (not listed in order of priority):

1. consistency with the relevant elements of the Comprehensive Plan;
2. the elimination of public hazards;
3. the elimination of existing deficiencies;
4. financial feasibility including the impact on the annual operating and capital budgets;
5. the location in relation to the Future Land Use Map;
6. accommodation of the demands from redevelopment and new development;
7. the consistency of the improvement relative to the plans of state agencies and the South Florida Water Management District; and
8. the availability of other revenue sources including, but not limited to, FDOT Project funding and FDOT Traffic Operations funds from District Dedicated Revenue (DDR) sources.

Revisions to the schedule shall be incorporated into the Capital Improvements Program on an annual basis. [9J-5.016(3)(c)1 and 3]

##### **Policy 1401.1.3**

Capital improvement projects required to correct existing facility deficiencies shall receive priority over those projects required to serve future development. [9J-5.016(3)(c)1]

##### **Policy 1401.1.4**

Monroe County shall amend the Comprehensive Plan Five Year Schedule of Capital Improvements by January 4, 2000 to acknowledge funding of improvements to the 18 mile stretch of US 1 by the Florida Department of Transportation if the project has been included in the first three years of the FDOT Five-Year Plan for completion by June 1, 2002.

**Policy 1401.1.5**

Monroe County shall amend the Comprehensive Plan Five-Year Schedule of Capital Improvements by January 4, 2000 to acknowledge funding for improvements to mile markers 80 to 90 section of US 1 by the Florida Department of Transportation if the project has been included in the first three years of the FDOT Five-Year Plan for completion by June 1, 2010.

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**Objective 1401.2**

With the following exceptions, public expenditures within the Coastal High Hazard Area (CHHA) shall be limited to the restoration or enhancement of natural resources and parklands, expenditures required to serve existing development such as the maintenance or repair of existing infrastructure, and expenditures necessary for public health and safety:

1. public expenditures within the CHHA may be permitted where required to meet adopted level of service standards or to maintain or reduce hurricane evacuation clearance times and where no feasible alternatives to siting the required facilities within the CHHA exist.
2. public expenditures within the CHHA may be permitted for improvements and expansions to existing public facilities, which improvements or expansions are designed to minimize risk of damage from flooding. [9J-5.016(3)(b)2]

**Policy 1401.2.1**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which limit public expenditures in the CHHA by requiring consideration of feasible siting and design alternatives for public facilities and infrastructure. [9J-5.016(3)(c)1 and 9]

**Policy 1401.2.2**

No public expenditures shall be made for new or expanded facilities in areas designated as units of the Coastal Barrier Resources System, undisturbed saltmarsh and buttonwood wetlands, or offshore islands not currently accessible by road, with the exception of expenditures for conservation and parklands consistent with natural resource protection, and expenditures necessary for public health and safety. [9J-5.016(3)(c)1 and 9]

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**Objective 1401.3**

Monroe County shall ensure that future development pays its proportionate share of the costs of improvements necessary to serve new development at the adopted level of service standards.  
[9J-5.016(3)(b)4]

**Policy 1401.3.1**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which revise and update the County's current expenditure procedures and proportional fair-share assessment of impact fees, in accordance with the adopted levels of service referenced in Policy 1401.4.1. The revised Land Development Regulations shall also include provisions for the collection of impact fees to offset the public costs of public facilities and services.  
[9J-5.016(3)(c)8]

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**Objective 1401.4**

Monroe County shall coordinate land use decisions and fiscal resources with a schedule of capital improvements in order to maintain the adopted level of service (LOS) standards for both previously issued development orders and future development. [9J-5.016(3)(b)3 and 5]

**Policy 1401.4.1**

Monroe County shall adopt level of service (LOS) standards for the following public facility types: roads, sanitary sewer, solid waste, drainage, potable water, and parks and recreation. The LOS standards are established in the following sections of the Comprehensive Plan:

1. The LOS for roads is established in Traffic Circulation Policy 301.1.1;
2. The LOS for potable water is established in Potable Water Policy 701.1.1;
3. The LOS for solid waste is established in Solid Waste Policy 801.1.1;
4. The LOS for sanitary sewer is established in Sanitary Sewer Policy 901.1.1;
5. The LOS for drainage is established in Drainage Policy 1001.1.1; and
6. The LOS for parks and recreation is established in Recreation and Open Space Policy 1201.1.1. [9J-5.016(3)(c)4]

**Policy 1401.4.2**

Monroe County shall adopt a Capital Budget at the same time it adopts its Annual Operating Budget. The Capital Budget shall include those projects necessary to maintain the adopted levels of service referenced in Policy 1401.4.1. [9J-5.016(3)(c)7]

**Policy 1401.4.3**

To the extent allowed by Florida Statutes, Monroe County supports the use of tourist-related charges to offset tourist-related impacts on public facilities. Monroe County supports the use of Tourist Development Council funds to provide public facilities that will serve both tourists and residents.

**Policy 1401.4.4**

Public facilities and services needed to support development shall be available concurrent with the impacts of development, in accordance with the adopted levels of service referenced in Policy 1401.4.1 and Chapter 9J-5.0055, F.A.C. Development approval may be phased to allow the provision of public facilities and services necessary to maintain the adopted levels of service. [9J-5.016(3)(c)6]

**Policy 1401.4.5**

Monroe County hereby adopts a Concurrency Management System to ensure that facilities and services needed to support development are available concurrent with the impact of development. The Concurrency Management System shall ensure that the County shall issue no development order or permit which results in a reduction in the level of service (LOS) below the adopted LOS standards referenced in Policy 1401.4.1 for those public facilities that are subject to the system. The guidelines established in Policies 1401.4.6, 1401.4.7, 1401.4.8, 1401.4.9, and 1401.4.10 shall ensure that concurrency is successfully implemented.

**Policy 1401.4.6**

The following guidelines identify the stages in the development review process when the test for concurrency must be met.

1. Preliminary Development Order Stage - A preliminary development order is a development order that precedes the issuance of a building permit, such as a subdivision plat, development plan, certificate of compliance, conditional use permit, or development of regional impact development order. A proposed development must receive a conditional concurrency determination prior to receiving a preliminary development order.
2. Final Development Order Stage - A final development order is a building permit or any other development permit authorizing the construction or expansion of a building, an increase in development intensity, or a change of use requiring a new certificate of occupancy. A proposed development must receive a final concurrency determination prior to receiving a final development order.

**Policy 1401.4.7**

The following guidelines identify the effect of a concurrency determination.

1. A Conditional Concurrency Determination shall indicate that adequate public facilities are available at the time the determination is issued, but shall not guarantee the adequacy or availability of public facilities at subsequent stages of development review.
2. A Final Concurrency Determination shall indicate that adequate public facilities will be available at all subsequent stages of development stages of development review, subject to certain limitations such as elapsed time and the payment of fees.

**Policy 1401.4.8**

The following guidelines identify the minimum criteria necessary to meet the concurrency requirements of each public facility type.

1. The concurrency requirements for roads, potable water, solid waste, sanitary sewer, and drainage facilities and services shall be satisfied if one or more of the following conditions are met:
  - a) the necessary facilities and services are in place at the time a development permit is issued; or
  - b) the development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur, or
  - c) the necessary facilities are under construction at the time a permit is issued; or
  - d) an enforceable development agreement guarantees that the necessary facilities and services will be in place when the impacts of the development occur. An enforceable development agreement may include, but is not limited to, development agreements pursuant to section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S.

2. The concurrency requirements for recreational facilities shall be satisfied if one or more of the following conditions are met:
  - a) conditions 1(a), 1(b), or 1(c) listed above; or
  - b) a binding executed contract is in place at the time the development permit is issued which provides for the commencement of the actual construction of the required facilities or provision of services within one year of permit issuance; or
  - c) an enforceable development agreement guarantees that the necessary facilities and services will be in place within one year of the issuance of the applicable development permit. An enforceable development agreement may include, but is not limited to, development agreements pursuant to section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S.

#### **Policy 1401.4.9**

The following guidelines identify the minimum components of the County's concurrency monitoring system.

1. The County shall maintain a database of permitting data that includes the amount of development for which final development orders have been issued, development for which final development orders have expired, development which is under construction, and development which has been constructed.
2. The County shall maintain a database of public facility data that includes the capacity of existing facilities, the additional capacity created by facility improvements, the impacts of existing development, and the impacts anticipated due to committed development.
3. The County shall prepare an annual Concurrency Management Report assessing the capacities of all public facilities subject to the Concurrency Management System. The Concurrency Management Report shall be used to monitor changes in the capacity of public facilities and the levels of service provided by the facilities based upon development activities and capital improvement projects completed during the previous year and projected for the next year.

#### **Policy 1401.4.10**

Monroe County shall use the following guidelines for interpreting and applying level of service standards to development order applications. For the purposes of this policy, reserve capacity refers to the capacity of existing public facilities plus the capacity of public facilities which do not exist but which meet the applicable requirements of Policy 1401.4.7, less the existing demand for those facilities and the demand expected to be created for those facilities by approved but unbuilt development as determined by the databases in Policy 1401.4.9.

1. Potable Water- The County shall not render a final concurrency determination unless the quantity of water available under the FKA Consumptive Use Permit meets or exceeds the estimated water demand of the proposed development together with the estimated water demand of all existing and committed development.

2. Solid Waste- The County shall not render a final concurrency determination unless capacity available at solid waste facilities either owned by or under contract with Monroe County meets or exceeds the estimated daily solid waste generation of the proposed development together with the estimated daily solid waste generation of all existing and committed development for a period of three (3) years from development approval.
3. Sanitary Sewer- The County shall not render a final concurrency determination unless the proposed development will be served by a treatment plant permitted by the Department of Environmental Protection with adequate reserve capacity to accommodate the impact of the proposed development or an on-site sewage disposal system permitted by the Department of Health and Rehabilitative Services.
4. Drainage- The County shall not render a final concurrency determination unless the proposed development will be served by stormwater management facilities approved by the South Florida Water Management District; or has received an individual construction permit or written authorization to proceed pursuant to a general permit from the South Florida Water Management District.
5. Parks- The County shall not render a final concurrency determination unless the park facilities either in existence or programmed within the next year will meet or exceed the estimated park demand of the proposed development together with the estimated park demand of all existing and committed development. Within each impact area for park facilities, the County shall determine the population capacity of both resource-based and activity-based facilities by multiplying the level of service standard by the number of acres of existing or programmed parks.
6. Roads- The County will not render a final concurrency determination unless the estimated traffic impacts of the proposed development, together with the estimated traffic impacts of all existing and committed development, will not exceed either the segment or overall reserve capacity of U.S. 1, as determined by the U.S. 1 Level of Service Task Force Methodology. The trip assignment for proposed developments with an estimated trip generation rate of more than 10 trips per day shall be based on a traffic impact report prepared by the developer based on a professionally accepted methodology. The trip assignment for proposed developments with a trip generation rate of 10 trips or less (such as a single family home) shall be limited to the segment of U.S. 1 most directly impacted by the development.

**Policy 1401.4.11**

Annual debt service on Monroe County's direct debt shall not exceed the following annual median ratios for medium size counties published by Moody's Investment Services:

1. debt to operating revenue;
2. debt to assessed valuation; and
3. debt per capita.

Moody's Investment Services, a bond rating agency, publishes annual medians depicting local governments' debt service as a percentage of population, operating revenue, and assessed valuation. [9J-5.016(3)(c)2]

**Policy 1401.4.12**

By January 4, 1997, Monroe County shall revise the Comprehensive Plan Five-Year Schedule of Capital Improvements and the County Capital Improvements Program to include funding for a sludge, septage, and/or leachate treatment and disposal facility on Crawl Key (See Solid Waste Policies 801.3.5 and 801.3.6 and Sanitary Sewer Policies 901.1.7 and 901.1.8).

**Policy 1401.4.13**

By January 4, 1997, Monroe County shall revise the Comprehensive Plan Five-Year Schedule of Capital Improvements and the County Capital Improvements Program to include funding for any improvements required to provide for solid waste disposal after expiration of the current solid waste haul out contract (See Solid Waste Objective 801.3 and related policies).

**Policy 1401.4.14**

By January 4, 1998, Monroe County shall complete a Stormwater Management Master Plan which shall be implemented beginning in Fiscal Year 1999. Prior to implementation of the Master Plan, the County shall adopt a Stormwater Utility or alternative revenue source in order to fund the drainage facility improvements required by the Stormwater Management Master Plan. Note: Monroe County recognizes its obligations under the stipulated settlement agreement but practicality of timeframe implementations may require modification of agreement date premises.

**Policy 1401.4.15**

Monroe County shall prepare a Sanitary Wastewater Master Plan which shall be completed by January 4, 1998 and implemented beginning in Fiscal Year 1999. The County shall coordinate with the FCAA, the Florida Departments of Environmental Regulation (DER) and Health and Rehabilitative Services (HRS), and the U.S. Environmental Protection Agency (EPA), at a minimum, concerning joint preparation and funding of the Master Plan. Note: Monroe County recognizes its obligations under the stipulated settlement agreement but practicality of timeframe implementations may require modifications of agreement date premises.

**Policy 1401.4.16**

By January 4, 1998, Monroe County shall revise the Comprehensive Plan Five-Year Schedule of Capital Improvements and the County Capital Improvements Program to include funding for the improvements identified in the Sanitary Wastewater/Stormwater Management Master Plan.

**Policy 1401.4.17**

By January 4, 1998, Monroe County shall explore the feasibility and benefits of expanding the Card Sound Road and Toll District to include CR-905 on North Key Largo and US 1 between the Dade County line and CR-905.

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**Objective 1401.5**

Monroe County shall provide public facilities sufficient to maintain adopted level of service standards that are within the ability of the County to fund, or within the County's authority to require others to provide. Evaluation of funding alternatives for improvements identified in other plan elements will include consideration of improvements required by existing versus future development in order to ensure a fair-share allocation of costs. [9J-5.016(3)(b)5]

**Policy 1401.5.1**

The estimated capital expenditures for all needed public facilities shall not exceed conservative estimates of revenues from sources that are available to the County pursuant to current law, and which have not been rejected by referendum, if referendum is required to enact a source of revenue. [9J-5.016(3)(b)5]

**Policy 1401.5.2**

Monroe County shall not provide a public facility, nor shall it accept the provision of a public facility by others, if it is unable to pay for the subsequent annual operating and maintenance costs of the facility. [9J-5.016(3)(b)5]

**Policy 1401.5.3**

Monroe County's Capital Improvements Program shall be monitored in conjunction with the Land Development Review process to ensure that the County is not required to construct improvements beyond its financial capacity. [9J-5.016(3)(b)5]

### **3.15 Cultural Resources**

#### **GOAL 1501**

Monroe County shall provide accessibility, stewardship, and cooperative facilitation in protecting and fostering cultural activities and resources to enhance the quality of life for County citizens and visitors.

#### **Objective 1501.1**

Monroe County shall ensure that arts opportunities and knowledge of cultural resources are available to County citizens and visitors.

#### **Policy 1501.1.1**

Monroe County shall support and encourage the development of local cultural organizations, facilities, and services that are dedicated to unique and significant cultural themes.

#### **Policy 1501.1.2**

Monroe County shall ensure local cultural organizations, facilities, and services are readily accessible to its citizens and visitors wherever feasible.

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**Objective 1501.2**

Monroe County shall be a steward of cultural resources.

**Policy 1501.2.1**

Monroe County shall maintain a current list of cultural facilities within the county.

**Policy 1501.2.2**

Monroe County shall promote the availability of art and culture for Monroe County citizens and visitors through the use of public buildings and properties, and encourage shared, multipurpose use of those facilities for cultural activities to maximize their efficient use.

**Policy 1501.2.3**

Monroe County shall support the transmission of the regional cultural legacy, cultural education, and the preservation and celebration of cultural diversity and creativity.

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